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U. S. 44th Cong., 1st sess., 1875-1876. House

Mr. Blaine and the "Mulligan" Letters.

THE WHOLE STORY

AS TOLD IN THE HOUSE OF REPRESENTATIVES, JUNE 5, 1876.

Reprinted Verbatim from the "Congressional Record."

WITH AN INTRODUCTION.

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INTRODUCTION.

In the Spring Session of Congress in 1869, a bill before the House of Representatives, renewing a land grant to the Little Rock and Fort Smith Railroad of Arkansas, was saved from defeat by Mr. Blaine, then Speaker of the House, in the manner described by himself in his letter to Mr. Fisher of Oct. 4, 1869. [See page 13.]

Almost immediately afterwards Mr. Blaine was offered by two of his friends (Caldwell and Fisher), who had control of the Little Rock Road, such a participation in the enterprise as was (to quote Mr. Blaine himself) "in every respect as generous as I could expect or desire." Mr. Blaine expressed himself "more than satisfied," thought the offer "a most liberal proposition," that he should "not be a dead head in the enterprise," and that there were "various channels" in which he knew he could "be useful." [See letters of June 29 and July 2, 1869, page 15.]

There is no doubt that Mr. Blaine became in the summer or fall of 1869 a bondholder in the Little Rock Road, but precisely on what terms he obtained his bonds is a contested point. Mr. Blaine himself declares that he paid the full market value for every one of them. According to Mr. Mulligan, who was Mr. Fisher's bookkeeper at that time, he obtained them under very different and very much more favorable conditions. [See foot-note K, page 24, and what follows No. 10 in Mr. Mulligan's memorandum on page 19.]

In the letters of June 29 and July 2 it appears that Mr. Blaine was then waiting for "a definite proposition" from Mr. Caldwell. When October came he was still waiting, and it was in this expectant state of mind that he wrote the two letters to Mr. Fisher dated Oct. 4, 1869. [See pages 13, 14.] That he succeeded finally in coming to terms with Mr. Caldwell is shown by the letter of May 14, 1870. [See page 16.]

Without attempting here to trace further the railroad speculations of Mr. Blaine, we proceed to state the circumstances immediately leading to the following dramatic scene in the House of Representatives.

In the spring of 1876, when Mr. Blaine was a candidate for the Republican nomination for President, unpleasant rumors of his connection with certain railroad transactions were in circulation, and became at last so pressing that he thought it necessary to meet them by a personal explanation in the House of Representatives.

He made this explanation April 24. He stated in explicit terms that a charge against him had been made to this effect: "that a certain draft was negotiated at the house of Morton, Bliss, & Co., in 1871, through Thomas A. Scott, then President of the Union Pacific Railroad Company, for the sum of $64,000, and that $75,000 of bonds of the Little Rock and Fort Smith Railroad Company were pledged as collateral; that the Union Pacific Company paid the draft and took up the collateral; that the cash proceeds of it went to me, and that I had furnished or sold or in some way conveyed or transferred to Thomas A. Scott these Little Rock and Fort Smith bonds which had been used as collateral; that the bonds had in reality belonged to me or some friend or constituent of mine for whom I was acting." Mr. Blaine then proceeded to deny this charge absolutely and entirely, declaring it to be "without one particle of foundation in fact, and without a tittle of evidence to substantiate it." In support of his denial he read letters from Thomas A. Scott and from Sidney Dillon who succeeded Mr. Scott as President of the Union Pacific Railroad. He admitted, however, that he had been the owner of bonds in the Little Rock and Fort Smith Road in 1869, but declared that he had paid the full market price for them, and that he had lost over $20,000 by the transaction. He said further that "as to the question of the propriety involved in a member of Congress holding an investment of this kind, it must be remembered that the lands were granted to the State of Arkansas and not to the Railroad Company, and that the company derived its life, franchise, and value wholly from the State." And later he repeated that "the Little Rock Road derived all that it had from the State of Arkansas and not from Congress." He denied once more the charge against him by declaring that "the story of my receiving $64,000 or any other sum of money, or other thing of value, from the Union Pacific Railroad Company, directly or indirectly, or in any form, for myself or for another, is absolutely disproved by the most conclusive testimony"; and closed by saying, "I have never done anything in my public career for which I could be put to the faintest blush in any presence, or for which I cannot answer to my constituents, my conscience, and the great Searcher of hearts."

This explanation was accepted at the time by the public generally, in the absence of further evidence, as a satisfactory answer to the charge. Further evidence, however, of a startling nature was supplied by the investigation of a committee of the House. In the course of this investigation one of the witnesses, Mr. Mulligan, happened to mention that he had in his possession certain letters written by Mr. Blaine to Warren Fisher, Jr. (see page 31). On learning this fact, Mr. Blaine proceeded to gain possession of these letters in the manner described on pages 32–34. He refused to deliver the letters into the hands of the investigating committee, but formed the bold design of meeting the public feeling against him by reading the letters, or, as some maintain, only a portion of the letters, before the House. This design he carried out on Monday, June 5, 1876, as described in the following pages.

It will be seen that there are references in some of the letters to an interest in the Northern Pacific Railroad. As throwing further light on this part of the subject, we print here the following interesting letter from Mr. Blaine to Mr. Fisher which does not appear among those read by Mr. Blaine in the House.

AUGUSTA, Me., November 25, 1870.

MY DEAR MR. FISHER: A year ago and more I spoke to you about purchasing an interest in the Northern Pacific Railroad for yourself and any you might choose to associate with yourself. The matter passed by without my being able to control it, and nothing more was said about it. Since then the Jay Cooke contract has been perfected, the additional legislation has been obtained, and 230 miles of the road are well-nigh completed, and the whole line will be pushed forward rapidly. By a strange revolution of circumstances I am again able to control an interest, and if you desire it you can have it. The whole road is divided into twenty-four shares, of which Jay Cooke & Co. have twelve. The interest I speak of is one-half of one-twenty-fourth, or one one-hundred-and-ninety-second of the entire franchise, being that proportion of the eighty-one millions of stock that are being divided as the road is built, and a like proportion of the Land Company stock that is formed to take and dispose of the 52,000,000 acres of land covered by their grant as amended by their law of last session. The amount of stock which this 1-192 would have in the end would be about $425,000, and the number of acres of land it represents is nearly 275,000. The road is being built on the 7.30 bonds, $25,000 to the mile, which Jay Cooke takes at 90. Instead of mortgaging the land, they make a stock company for its ownership, dividing it *pro rata* among the holders of the franchise. The whole thing can be had for $25,000, which is less than one-third of what some other sales of small interest have gone at. I do not suppose you would care to invest the whole $25,000. I thought for a small flyer

eight or ten of you in Boston might take it — $2,500 each. For $ thus invested you would get ultimately $42,000 stock and the avails of some 27,000 acres of land. Five of you at $5,000 each would have a splendid thing of it.

The chance is a very rare one. I can't touch it, but I obey my first and best impulse in offering it to you.

All such chances as this since Jay Cooke got the road have been accompanied with the obligation to take a large amount of the bonds at ninety, and hold them not less than three years. I will be in Boston Tuesday noon, and will call upon you. Of course if you don't want it, let it pass. You will receive an immediate issue of stock to a considerable amount, and certificates of land stock also. Of course, in conferring with others, keep my name quiet, mentioning it to no one unless to Mr. Caldwell. I write under the presumption that you have returned, but I have heard nothing. Yours truly,

J. G. Blaine.

This offer was accepted by Fisher, as appears from the following receipt: —

Received of Warren Fisher, Jr., $25,000 in trust, in consideration of which I am to deliver to said Fisher properly authenticated certificates of an interest in the North Pacific Railway Company, equivalent to one-eighth part of one of the twenty-four principal shares in which the franchise stock of said company are divided; certificates to be in the name of Elisha Atkins.

Witness my hand,

James G. Blaine.

MR. BLAINE

AND THE

"MULLIGAN LETTERS."

Mr. Blaine. If the morning hour has expired, I will rise to a question of privilege.

The Speaker (*pro tempore*). The morning hour has expired.

Mr. Blaine. Mr. Speaker, on the 2d day of May this resolution was passed by the House:

Whereas it is publicly alleged, and is not denied by the officers of the Union Pacific Railroad Company, that that corporation did, in the year 1871 or 1872, become the owner of certain bonds of the Little Rock and Fort Smith Railroad Company, for which bonds the said Union Pacific Railroad Company paid a consideration largely in excess of their actual or market value, and that the board of directors of said Union Pacific Railroad Company, though urged, have neglected to investigate said transaction: Therefore,

Be it resolved, That the Committee on the Judiciary be instructed to inquire if any such transaction took place, and, if so, what were the circumstances and inducements thereto, from what person or persons said bonds were obtained and upon what consideration, and whether the transaction was from corrupt design or in furtherance of any corrupt object; and that the committee have power to send for persons and papers.

That resolution on its face, and in its fair intent, was obviously designed to find out whether any improper thing had been done by the Union Pacific Railroad Company; and of course, incidentally thereto, to find out with whom the transaction was made. The gentleman who offered that resolution offered it when I was not in the House, and my colleague (*Mr. Frye*), after it was objected to, went to the gentleman and stated that he would have no objection to it, as he knew I would not have if I were present in the House. The gentleman from Massachusetts (*Mr. Tarbox*), to whom I refer, took especial pains to say to my colleague that the resolution was not in any sense aimed at me. The gentleman will pardon me if I say that I had a slight incredulity upon that assurance given by him to my colleague.

No sooner was the sub-committee designated than it became entirely obvious that the resolution was solely and only aimed at me. I think there had not been three questions asked until it was obvious that the

investigation was to be a personal one upon me, and that the Union Pacific Railroad or any other incident of the transaction was secondary, insignificant, and unimportant. I do not complain of that; I do not say that I had any reason to complain of it. If the investigation was to be made in that personal sense, I was ready to meet it.

The gentleman on whose statement the accusation rested, Mr. Harrison, was first called. He stated what he knew from rumor. Then there were called Mr. Rollins, Mr. Morton, and Mr. Millard from Omaha, a Government director of the Union Pacific road, and finally Thomas A. Scott. The testimony was completely and conclusively in disproof of the charge that there was any possibility that I could have had anything to do with the transaction.

I expected (and I so stated to the gentleman from Virginia, the honorable chairman of the sub-committee) that I should have an early report; but the case was prolonged and prolonged and prolonged; and when last week the witnesses had seemed to be exhausted, I was somewhat surprised to be told that the committee would now turn to investigate a transaction of the Northern Pacific Railroad Company on a newspaper report that there had been some effort on my part with a friend in Boston to procure for him a share in that road, which effort had proved abortive, the money having been returned. I asked the honorable gentleman from Virginia on what authority he made that investigation — not that I cared about it; I begged him to be assured I did not; and the three witnesses that he called could not have been more favorable to me within any possibility. But I wanted to know on what authority I was to be arraigned before the country upon an investigation of that kind; and a resolution offered in this House on the 31st of January by the gentleman from California (*Mr. Luttrell*) was read as the authority for investigating that little transaction in Boston. I ask the House to bear with me while I read a somewhat lengthy resolution:

Whereas the several railroad companies hereinafter named, to wit, the Northern Pacific, the Kansas Pacific, the Union Pacific, the Central Branch of the Union Pacific, the Western Pacific, the Southern Pacific, the Sioux City and Pacific, the Northern Pacific, the Texas and Pacific, and all Pacific roads or branches to which bonds or other subsidies have been granted by the Government, have received from the United States, under the act of Congress of July 1, 1862, the act March 3, 1874, and the several acts amendatory thereof, money subsidies amounting to over $64,000,000, land subsidies amounting to over 220,000,000 acres of the public domain, bond subsidies amounting to $———, and interest amounting to $———, to aid in the construction of their several roads; and whereas it is but just and proper that the Government and people should understand the status of such roads and the disposition made by such companies in the construction of their roads of the subsidies granted by the Government: Therefore,

Be it resolved, That the Judiciary Committee be, and are hereby instructed and authorized to inquire into and report to this House, first, whether the several railroad companies hereinbefore named, or any of them, have, in the construction of their railroads and telegraph lines, fully complied with the requirements of law granting money, bonds, and land subsidies to aid such companies in the construction of their railroads and telegraph lines; second, whether the several railroad companies or any of them have formed within themselves corporate or construction companies for the purpose of subletting

to such corporate or construction companies contracts for building and equipping said roads or any portion thereof, and, if so, whether the money, land, and bond subsidies granted by the Government have been properly applied by said companies or any of them in the construction of their road or roads; third, whether the several railroad companies or any of them have forfeited their land subsidies by failing to construct and equip their road or roads or any portion of them as required by law; and, fourth, that, for the purpose of making a thorough investigation of the several Pacific railroads or any of them, the Judiciary Committee shall have full power to send for persons and papers, and, after thorough investigation shall have been made, shall report to this House such measure or bill as will secure to the Government full indemnity for all losses occasioned by fraudulent transactions or negligence on the part of said railroad companies or any of them, or on the part of any corporate or construction company, in the expenditures of moneys, bonds, or interest, or in the disposition of land donated by the Government for the construction of the roads or any of them or any portion thereof, and for the nonpayment of interest lawfully due the Government, or any other claim or claims the United States may have against such railroad company or companies.

Now, that resolution embraces a very wide scope. It undoubtedly embraces a great many things which it is highly proper for the government to look into; but I think the gentleman from California who offered that resolution will be greatly surprised to find that the first movement made under it to investigate what the Northern Pacific Railroad Company has done was to bring the whole force of that resolution to find out the circumstances of a little transaction in Boston which never became a transaction at all. I asked the gentleman from Virginia how he deduced his power. Well, he said it would take three months to go through the whole matter, but in about three months it would reach this point, and that he might as well begin on me right there. Well, he began; and three witnesses testified precisely what the circumstances were. I had no sooner got through with that, than I was advised that in another part of the Capitol, without the slightest notice in the world being given to me, with no monition, no warning to me, I was being arraigned before a committee known as the Real Estate Pool Committee, which was originally organized to examine into the affairs of the estate of Jay Cooke & Co., and whose powers were enlarged on the third day of April by the following resolution: —

Whereas, on the 24th day of January, A. D. 1876, the House adopted the following resolution:

"*Resolved*, That a special committee of five members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said real estate pool and the character of said settlement, with the amount of property involved, in which Jay Cooke & Co. were interested, and the amount paid or to be paid in settlement, with power to send for persons and papers and report to this House:" Therefore,

Be it resolved, That said committee be further authorized and directed to likewise investigate any and all matters touching the official misconduct of any officer of the Government of the United States or of any member of the present Congress of the United States which may come to the knowledge of said committee: *Provided*, That this resolution shall not affect any such matter now being investigated by any other committee under authority of

either House of Congress; and for this purpose said committee shall have the same powers to send for persons and papers as conferred by said original resolution.

They began an investigation, which I am credibly informed, and I think the chairman of that committee will not deny, was specifically aimed at me. I had no notice of it, not the remotest; no opportunity to be confronted with witnesses. I had no idea that any such thing was going on, not the slightest. So that on three distinct charges I was being investigated at the same time, and having no opportunity to meet any one of them; and I understand, though I was not present, that the gentleman from Virginia has this morning introduced a fourth, to find out something about the Kansas Pacific Railroad, a transaction fifteen years old if it ever existed, and has summoned numerous witnesses.

Mr. Hunton. What was the statement the gentleman just made? I did not fully understand it.

Mr. Blaine. That an investigation has been set on foot by the gentleman, aimed at me, in regard to the Kansas Pacific Railroad, and that witnesses have been summoned on that question, the transaction out of which it grew being fifteen years old.

Now, I say — and I state it boldly — that, under these general powers to investigate Pacific Railroads and their transactions, the whole enginery of this committee is aimed personally at me; and I want that to be understood by the country. I have no objection to it; but I want you by name to organize a committee to investigate JAMES G. BLAINE. I want to meet the question squarely. That is the whole aim and intent; and the gentleman from Virginia and the gentleman from Kentucky (*Mr. Knott*) will pardon me for saying that when this investigation was organized I felt that such was the whole purpose and object. I will not further make personal references; for I do not wish to stir up any blood on this question; but ever since a certain debate here in January it has been known that there are gentlemen in this hall whose feelings were peculiarly exasperated toward me. And I beg the gentleman from Kentucky, the chairman of the Judiciary Committee, to remember that when this matter affecting me went to his committee, while there were seven democratic members of that committee, he took as the majority of the sub-committee the two who were from the South and had been in the rebel army.

Mr. Knott. Will the gentleman allow me one word?

Mr. Blaine. After a moment; I have not a great deal of time.

Mr. Knott. As the gentleman has made an insinuation, I prefer to answer it now.

Mr. Blaine. Very well.

Mr. Knott. These railroad investigations were referred to that committee before I ever heard the gentleman's name insinuated in connection with them; and I will say furthermore that I had no act or part in instituting any investigation implicating the gentleman at all.

Mr. Blaine. Then when the investigation began, the gentleman

from Virginia who conducted it insisted under that resolution, which was obviously on its face limited to the seventy-five thousand dollar transaction — the transaction with the Union Pacific Railroad — he insisted on going into all the affairs of the Fort Smith Railroad as incidental thereto, and pursued that to such an extent that finally I had myself through my colleague, *Mr. Frye*, to take an appeal to the whole committee, and the committee decided that the gentleman had no right to go there. But when he came back and resumed the examination, he began again exactly in the same way, and was stopped there and then by my colleague who sits in front, not as my attorney, but as my friend.

When the famous witness Mulligan came here loaded with information in regard to the Fort Smith road, the gentleman from Virginia drew out what he knew had no reference whatever to the question of investigation. He then and there insisted on all of my private memoranda being allowed to be exhibited by that man in reference to business that had no more connection, no more relation, no more to do with that investigation than with the North Pole.

And the gentleman tried his best, also, though I believe that has been abandoned, to capture, and use, and control my private correspondence. This man had selected, out of correspondence running over a great many years, letters which he thought would be peculiarly damaging to me. He came here loaded with them. He came here for a sensation. He came here primed. He came here on that particular errand. I was advised of it, and I obtained those letters under circumstances which have been notoriously scattered throughout the United States, and are known to everybody. I have them. I claim I have the entire right to those letters, not only by natural right, but upon all the precedents and principles of law, as the man who held those letters in possession held them wrongfully. The committee that attempted to take those letters from that man for use against me proceeded wrongfully. They proceeded in all boldness to a most defiant violation of the ordinary private and personal rights which belong to every American citizen, and I was willing to stand and meet the Judiciary Committee on this floor. I wanted them to introduce it. I wanted the gentleman from Kentucky and the gentleman from Virginia to introduce that question upon this floor, but they did not do it.

Mr. Knott (in his seat). I know you did.

Mr. Blaine. Very well.

Mr. Knott. I know you wanted to be made a martyr of. [Laughter.]

Mr. Blaine. And you did not want to, and there is the difference. [Laughter and applause.] I go a little further: you did not dare to.

Mr. Knott. We will talk about that hereafter.

Mr. Blaine. I wanted to meet that question. I wanted to invoke all the power you had in this House on that question.

Mr. Hamilton (of New Jersey). I rise to a question of order. Is this language parliamentary?

Mr. Blaine. Yes; entirely so. [Laughter.]

Mr. Hamilton (of New Jersey). I do not ask the gentleman. I ask the Speaker. I call the gentleman to order.

The Speaker (*pro tempore*). The gentleman will state his point of order.

Mr. Hamilton (of New Jersey). I want to know whether it is in order for one gentleman on this floor to say to another he dare not do so and so?

The Speaker (*pro tempore*). The gentleman from New Jersey calls the gentleman from Maine to order, and under the rules the gentleman from Maine will be seated, and if there be objectionable words, they will be taken down.

Mr. Kasson. I wish to say the point of order is simply to the use of the second person, and I hope gentlemen on both sides will use the third person.

Mr. Blaine. I did not.

Mr. Kasson. You said "you."

The Speaker (*pro tempore*). The Chair will say to the gentlemen who have the privilege of the House, that this display of cheering is entirely out of order.

Mr. Blaine. It never ought to be done, and never has been done so much as during this Congress.

The Speaker (*pro tempore*). The Chair will enforce the order, and the doorkeepers will assist the Chair, and, if necessary, the Sergeant-at-arms under the rules will assist the doorkeepers. The gentleman from Maine will now proceed in order.

Mr. Blaine. I repeat, the Judiciary Committee, I understand, have abandoned that issue against me. I stood up and declined, not only on the conclusion of my own mind, but by eminent legal advice. I was standing behind the rights which belong to every American citizen, and if they wanted to treat the question in my person anywhere in the legislative halls or judicial halls, I was ready. Then there went forth everywhere the idea and impression that because I would not permit that man, or any man whom I could prevent, from holding as a menace over my head my private correspondence, there must be something in it most deadly and destructive to my reputation. I would like any gentleman on this floor, — and all gentlemen on this floor are presumed to be men of affairs, whose business has been varied, whose intercourse has been large, — I would like any gentleman to stand up here and tell me that he is willing and ready to have his private correspondence scanned over and made public for the last eight or ten years. I would like any gentleman to say that. Does it imply guilt? Does it imply wrong-doing? Does it imply any sense of weakness that a man will protect his private correspondence? No, sir; it is the first instinct to do it, and it is the last outrage upon any man to violate it.

Now, Mr. Speaker, I say that I have defied the power of the House to compel me to produce those letters. I speak with all respect to this House. I know its powers, and I trust I respect them. But I say this House has no more power to order what shall be done or not done with my private correspondence than it has with what I shall do in the nurture and education of my children; not a particle. The right is as sacred in the one case as it is in the other. But, sir, hav-

ing vindicated that right, standing by it, ready to make any sacrifice in the defense of it, here and now, if any gentleman wants to take issue with me on behalf of this House, I am ready for any extremity of contest or conflict in behalf of so sacred a right. And while I am so, I am not afraid to show the letters. Thank God Almighty, I am not ashamed to show them. There they are (holding up a package of letters). There is the very original package. And with some sense of humiliation, with a mortification that I do not pretend to conceal, with a sense of outrage which I think any man in my position would feel, I invite the confidence of 44,000,000 of my countrymen while I read those letters from this desk. [Applause.]

The Speaker (*pro tempore*). The doorkeeper will enforce the rule.

Mr. Blaine. I beg gentlemen who are my friends to make no manifestation.

The Speaker (*pro tempore*). The Chair has directed the doorkeepers to enforce the rule, and to remove from the hall persons who are not entitled to its privileges who are making these manifestations.

Mr. Kelley. I desire to say, Mr. Speaker, that so far as my observation extends, the applause was within the bar of the House.

The Speaker (*pro tempore*). The doorkeepers are authorized to remove from the Hall any persons who violate its privileges.

Mr. Blaine. Now as regards many of these letters I have not the slightest feeling in reading them. Some of them will require a little explanation. Some of them may possibly, as I have said, involve a feeling of humiliation. But I would a great deal rather take that than take the evil surmises and still more evil inferences which might be drawn if I did not act with this frankness.

The first letter I shall read, marked "private and personal," is as follows:

[Private and personal.]

AUGUSTA, MAINE, *August* 31, 1872.

MY DEAR MR. FISHER: I have been absent so much of late that I did not receive your last letter until it was several days old. When I last wrote you, I was expecting to be in Boston on a political conference about this time, but I found it impossible to be there, and it is now impossible for me to leave here until after our election, which occurs Monday week, the 9th. I will try to meet you at the Parker House on the 10th or 11th, availing myself of the first possible moment for that purpose.

I cannot, however, allow a remark in your letter to pass without comment. You say that you have been trying to get a settlement with me for fifteen months, you have been trying to induce me to comply with certain demands which you made upon me, without taking into account any claims I have of a counter kind.

This does not fill my idea of a *settlement*, for a *settlement* must include both sides.

No person could be more anxious for a settlement than I am, and if upon our next interview we cannot reach one, why then we try other means.

But my judgment is that I shall make you so liberal an offer of settlement that you cannot possibly refuse it.

As one of the elements which I wish to take into account is the note of $10,000 given you in 1863 for Spencer stock, I desire that you will furnish me with the items of interest on that note. My impression is that when that note was consolidated into the large note, which you will still hold, that you did not charge me full interest, possibly omitting one or two years.

I will be obliged if you will give me information on this point, for I intend to submit to you a full and explicit basis of settlement, and in making it up it is necessary that I should have this information. Please send it as promptly as you may be able to give it to me.

In haste, very truly yours,

J. G. BLAINE.

WARREN FISHER, JR., ESQ.

There is an allusion there to Spencer Stock. I took this letter up first because I wish to make an explanation as to that. In the month of November, 1861, I was summoned to Boston, by a telegram, to meet Mr. Fisher and another gentleman on some urgent business. I immediately responded. On getting there I found that they were the proprietors of a newly-invented rifle. The other gentleman was Mr. Ward Cheney, of Connecticut, recently deceased, well known for his eminence in the silk manufacture, and a gentleman of great wealth and high character. One of the ingenious mechanics in his employ named Spencer had invented a repeating rifle. It had been tested in various private ways, but it had not received the official sanction of the Government. They had employed various persons to come to Washington during the summer of 1861, the first of the war; but these various agents reported, and these gentlemen so reported to me, that what they called a gun-ring in Washington were so close and were so powerful that they could not get an opportunity to bring that new arm to the attention of the Secretary of War, the present venerable Senator from Pennsylvania, and they asked me if I thought I could do it. That was two years and more before I entered Congress. I told them that I thought I could. And going back home, and making preparations, I immediately came to Washington, and in a very short time I had an interview with *Secretary Cameron* at the War Department. He looked at the gun, was satisfied there was something in it, and gave an order to have it tested by the Ordnance Bureau. It was thoroughly tested, and in the course of two weeks the experiment was so satisfactory that they gave a preliminary order for 20,000 rifles. It was, of course, as every gentleman who is familiar with the war knows, a most eminent success. It was one of the wonderful arms of the war: the Spencer rifle.

The company immediately proceeded to erect an armory in Boston, but, with all that ingenuity and capital could do, they did not produce, as every gentleman on this floor who was familiar with the operations of the war knows, half as many arms as the service wanted. They paid me, not an extravagant, but a moderate fee for that service, which I was then as much at liberty to take as any lawyer or agent on this floor would be in his private relations at home. I was not in Congress, was not nominated to Congress, was not here for two years afterward.

The winter afterward, or next spring, Mr. Fisher and Mr. Cheney, both together, offered me $10,000 stock in the concern, and I took it.

A Member. And paid for it?

Mr. Blaine. Yes, of course; and paid for it, and owned, and had the dividends on it. I made no concealment of it. But I never was

at the War Department about it in any shape or form in my life. Now, if the gentleman from Missouri (*Mr. Glover*) wants to investigate that case, I will save him all the trouble. I will just cut that short. If he wants the list of stockholders, why they are all private citizens, and very respectable ones, and the corporation is dissolved, dead, merged in the Winchester Rifle Company. I will give him all the trail there is to the whole story, and he can strike it and follow it out. The whole story, that I had so much per gun as a royalty of any sort, is simply absurd. I was an ordinary stockholder, just as a man is in a bank. A gentleman asks me if I paid for this stock.

I tell him, yes, I did, emphatically. The truth is the Department was only too anxious to urge in every direction to have these guns manufactured.

I take these letters up quite miscellaneously. The next is dated Augusta, Maine, August 9, 1872:

[Personal.]

AUGUSTA, MAINE, *August* 9, 1872.

MY DEAR MR. FISHER: On my return home yesterday I found your favor of 6th from Stonington, asking for my notes, $6,000, on account. It seems to me that a partial settlement of our matter would only lead to future trouble, or at all events to a mere postponement of our present difficulties.

I deem it highly desirable that we should have a conclusive and comprehensive settlement, and I have been eager for that these many months.

The account which you stated June 20, 1872, does not correspond precisely with the reckoning I have made of the indebtedness on the note you hold. You credit me, April 26, 1869, with $12,500 dividend from Spencer Company; but there were two subsequent dividends, one of $3,750, the other of $5,800, of which no mention is made in your statement, though I received in June, 1870, your check for $2,700 or $2,800, which was a part of these dividends, I believe. I think my "cash memorandum" of June 25, 1869, for $2,500, with which you charge me, represented at the time a part of the dividends; but being debited with that, I am entitled to a credit of the dividend.

In other words, as I reckon it, there are dividends amounting to $9,550 due me, with interest since June, 1870, of which I have received only $2,700 or $2,800, entitling me thus to a credit of some $7,500.

Besides the cash memorandum January 9, 1864, $600, which with interest amounts to $904.10, was obviously included in the consolidated note which was given to represent all my indebtedness to you, and which you repeatedly assured me would be met and liquidated in good time by Spencer dividends.

You will thus see that we differ materially as to the figures. Of course each of us is aiming at precisely the facts of the case, and if I am wrong, please correct me. I am sure that you do not desire me to pay a dollar that is not due, and I am equally sure that I am more than ready to pay every cent that I owe you.

The Little Rock matter is a perpetual and never-ending embarrassment to me. I am pressed daily almost to make final settlement with those who still hold the securities, — a settlement I am not able to make until I receive the bonds due on your article of agreement with me. That is to me by far the most urgent and pressing of all the demands connected with our matters, and the one which I think, in all equity, should be first settled, or certainly settled as soon as any.

If the $6,000 cash is so important to you, I would be glad to assist in raising the same for you on your notes, using Little Rock bonds as collateral at same rate they are used in Boston, four for one. I think I could get the money here

on four or six months on these terms. If I had the money myself, I would be glad to advance it to you, but I am as dry as a contribution-box, borrowing, indeed, to defray my campaign expenses.

Very sincerely yours,

J. G. BLAINE.

WARREN FISHER, JR., ESQ., *Boston.*

That is a very important communication to the American people.

The next letter I hold is dated Augusta, Maine, July 3, 1872. The witness Mulligan said that there was nothing in this about the Northern Pacific Railroad.

AUGUSTA, MAINE, *July* 3, 1872.

MY DEAR MR. FISHER: I was detained far beyond my expectations in New York and Pennsylvania, being there quite a week. I was in Boston on Monday *en route* home, but I was so prostrated by the heat that I had no strength or energy to call on you.

It seems to me, as I review and recall our several conferences, that we ought not to have any trouble in coming to an easy adjustment, as follows: First, I am ready to fulfil the memorandum held by you in regard to the Northern Pacific Railroad, as I always have been; second, you are ready to consider the land-bonds in my possession as surrendered in payment of the debt to which they were originally held as collateral; third, I am ready to pay you the *full amount* of cash due you on memoranda held by you, provided you will pay me *half the amount* of bonds due me on memoranda held by me, the cash to be paid and the bonds to be delivered at same time. As to further sale of the share in Northern Pacific Railroad, that could be determined afterward. I am ready to do all in my power to oblige you in the matter.

If we can adjust the first and second points herein referred to, the third might be left, if you desire it, to the future.

Hitherto I have made all the propositions of settlement. If this is not acceptable to you, please submit your views of a fair basis in writing.

Sincerely yours,

J. G. BLAINE.

WARREN FISHER, JR., ESQ.

That letter calls for no special comment. Now, any one who hears this letter will observe that there was a dispute between the parties that ran over a very considerable period, and here is a letter in which he asks me to get him a letter of credit for $10,000 from Jay Cooke & Co., of this city. My answer, dated Washington, D. C., April 26, 1872, as follows:

WASHINGTON, *April* 26.

MY DEAR MR. FISHER: Yours of 24th received. There seems to be one great error of fact under which you are laboring in regard to my ability to comply with your request about the $10,000 letter of credit. I would gladly get it for you if I were able; but I have not the means. I have no power of getting a letter of credit from Jay Cooke except by paying the money for it, *and the money I have not got*, and have no means of getting it. *You ask me to do therefore what is simply impossible.* Nothing would give me more pleasure than to serve you if I were able; but my losses in the Fort Smith affair have entirely crippled me and deranged all my finances. You would, I know, be utterly amazed if you could see the precise experience I have had in that matter. Very bitter, I assure you. Among other things, I still owe nearly all of the $25,000 which I delivered to Mr. Pratt, and this is most harassing and embarrassing to me.

If you will give me the $76,500 of bonds which I propose to throw off as payment of the notes which you say I owe you, I will gladly get your ten-thou-

sand-dollar letter of credit; but if I release those bonds to you, as I propose, you can do the same for yourself.

I am at a loss to know what you mean by your repeated phrase that "*I have denied everything.*" *What have I denied?* I do not so much as understand what you mean, and would be glad to have you explain.

You reject the name of Ward Cheney as a friendly referee. Please suggest a name yourself of some one known to both of us. I mean for you to suggest a name in case you do not accept my basis of settlement proposed in my last letter preceding this.

Yours, very truly,

J. G. BLAINE.

WARREN FISHER, JR., ESQ.

When do you propose to sail for Europe?

Some of these letters were written by the gentleman who sits on my right and who was my clerk during my Speakership, acting as my amanuensis.

Here is a letter dated April 22d, 1872, again showing the accuracy of the witness, Mulligan, who said that it contained no allusion to the Northern Pacific Railroad:

WASHINGTON, D. C., *April* 22, 1872.

MY DEAR MR. FISHER: Your brief note received. I do not know what you mean by my "not mentioning Northern Pacific and denying everything else."

You have my obligation to deliver to you a specified interest in Northern Pacific which I was to purchase for you, and in which I never had a penny's interest—direct or indirect. Some months ago you wrote me (twice) declaring that you would not receive the share, but demanding the return of the money. This was impossible, and I therefore could do nothing but wait.

Nothing I could write would make my obligation plainer than the memorandum you hold. Nothing you could write would change my obligation under that memorandum.

The matters between us are all perfectly plain and simple, and I am ready to settle them all comprehensively and liberally. I am not willing to settle those that benefit you and leave to the chances of the future those that benefit me.

I am willing to forego and give up a great deal for the sake of a friendly settlement, and I retain a copy of this letter as evidence of the spirit of the offer I make. I think, if we cannot settle ourselves, a friendly reference would be the best channel, and I propose Mr. Ward Cheney, who stands nearer to you certainly than he does to me. If this name does not suit you, please suggest one yourself.

Very sincerely yours,

J. G. BLAINE.

WARREN FISHER, JR.

Here is one dated Washington, May 26, 1864.

This correspondence, you will observe, stretches over a considerable march of time, and this refers to the Spencer Rifle Company.

WASHINGTON, *May* 26, 1864.

MY DEAR SIR: Your favor received. I am very glad, all things considered, that the Government has accepted your proposition to take all your manufacture till first of September, 1865. It gives a straight and steady business for the company for a good stretch of time.

In regard to the tax provision you can judge for yourself, as I send herewith a copy of the bill as reported from the Finance Committee of the Senate and now pending in that body—see pages 148, 149, where I have marked.

In looking over the bill you will please observe that all words in italic letters are amendments proposed by the Senate Finance Committee, while all words included in brackets are proposed to be struck out by same committee.

The provision which you inquire about was not in the original bill, but was an amendment moved from the Ways and Means Committee by Mr. Kasson, of Iowa, to whom I suggested it. It is just and proper in every sense, and will affect a good many interests, including your company. I am glad to hear such good accounts of your progress in the affairs of the company, of which I have always been proud to be a member.

Tell Mr. Welles that his brother has been nominated by the Senate for commissary of subsistence, with rank of captain. He will undoubtedly be confirmed as soon as his case can be reached. I will advise as soon as it is done.

In haste, yours, truly,

WARREN FISHER, JR., ESQ. J. G. BLAINE.

I have looked up the provision which the gentleman from Iowa (*Mr. Kasson*) moved, and it was this: that where the Government had contracted for the delivery of a specific article of manufacture, and after the contract was made with the Government, an additional tax was levied on that article, the Government should stand the loss, and not the seller. The gentleman from Iowa understands the point.

Mr. Kasson. I do remember the fact of the amendment.

Mr. Blaine. It is a very simple matter; in fact, all the manufacturing interests in the United States where contracts were made were interested in it, and where new tax bills were passed every few months.

The next letter to which I refer was dated Washington, District of Columbia, April 18, 1872.

This is the letter in which Mulligan says and puts down in his abstract that I admitted the sixty-four thousand dollar sale of bonds:

WASHINGTON, D.C., *April* 18, 1872.

MY DEAR MR. FISHER: I answered you very hastily last evening, as you said you wished an immediate reply; and perhaps in my hurry I did not make myself fully understood.

You have been for some time laboring under a totally erroneous impression in regard to my results in the Fort Smith matter The sales of bonds which you spoke of my making, and which you seem to have thought were for my own benefit, were entirely otherwise. I did not have the money in my possession forty-eight hours, but paid it over directly to the parties whom I tried, by every means in my power, to protect from loss. I am very sure that you have little idea of the labors, the losses, the efforts, and the sacrifices I have made within the past year to save those innocent persons, who invested on my request, from personal loss.

And I say to you to-night, solemnly, that I am immeasurably worse off than if I had never touched the Fort Smith matter.

The demand you make upon me now is one which I am entirely unable to comply with. *I cannot do it. It is not in my power* You say that "necessity knows no law." That applies to me as well as to you, and when I have reached the point I am now at, I simply fall back on that law. You are as well aware as I am that the bonds are due me under the contract. Could I have these, I could adjust many matters not now in my power, and so long as this and other matters remain unadjusted between us, I do not recognize the equity or the lawfulness of your calling on me for a partial settlement. I am ready at any moment to make a full, fair, comprehensive settlement with you on the most liberal terms. I will not be exacting or captious or critical, but

am ready and eager to make a broad and generous adjustment with you, and if we can't agree ourselves, we can select a mutual friend who can easily compromise all points of difference between us.

You will, I trust, see that I am disposed to meet you in a spirit of friendly cordiality, and yet with a sense of self-defence that impels me to be frank and expose to you my pecuniary weakness.

With very kind regards to Mrs. Fisher, I am yours truly,

W. FISHER, JR., ESQ. J. G. BLAINE.

I now pass to a letter dated Augusta, Maine, October 4, 1869, but I read these letters now somewhat in their order. Now, to this letter I ask the attention of the House. In the March session of 1869, the first one at which I was Speaker, the extra session of the Forty-first Congress, a land grant in the State of Arkansas to the Little Rock road was reported. I never remember to have heard of the road until at the last night of the session, when it was up here for consideration. The gentleman in Boston with whom I had relations did not have anything to do with that road for nearly three or four months after that time. It is in the light of that statement that I desire that letter read.

In the autumn, six or eight months afterward, I was looking over the *Globe*, probably with some little curiosity if not pride, to see the decisions I had made the first five weeks I was Speaker. I had not until then recalled this decision of mine, and when I came across it all the facts came back to me fresh, and I wrote this letter:

[Personal.]

AUGUSTA, MAINE, *October* 4, 1869.

MY DEAR SIR: I spoke to you a short time ago about a point of interest to your railroad company that occurred at the last session of Congress.

It was on the last night of the session, when the bill renewing the land grant to the State of Arkansas for the Little Rock road was reached, and Julian, of Indiana, chairman of the Public Lands Committee, and, by right, entitled to the floor, attempted to put on the bill, as an amendment, the Frémont El Paso scheme, — a scheme probably well known to Mr. Caldwell. The House was thin, and the lobby in the Frémont interest had the thing all set up, and Julian's amendment was likely to prevail if brought to a vote. Roots and the other members from Arkansas, who were doing their best for their own bill (to which there seemed to be no objection), were in despair, for it was well known that the Senate was hostile to the Frémont scheme, and if the Arkansas bill had gone back to the Senate with Julian's amendment, the whole thing would have gone on the table, and slept the sleep of death.

In this dilemma Roots came to me to know what on earth he could do under the rules; for he said it was vital to his constituents that the bill should pass. I told him that Julian's amendment was entirely out of order, because not germane; but he had not sufficient confidence in his knowledge of the rules to make the point, but he said General Logan was opposed to the Frémont scheme, and would probably make the point. I sent my page to General Logan with the suggestion, and he at once made the point. I could not do otherwise than sustain it; and so the bill was freed from the mischievous amendment moved by Julian, and at once passed without objection.

At that time I had never seen Mr. Caldwell, but you can tell him that, without knowing it, I did him a great favor.

Sincerely yours,

W. FISHER, JR., ESQ., J. G. BLAINE.
24 INDIA STREET, BOSTON.

The amendment referred to in that letter will be found in the Congressional *Globe* of the first session of the Forty-first Congress, page 702. That was before the Boston persons had ever touched the road.

Mr. Julian. I offer the following as an additional section to the bill.

And then the Clerk read the whole of the El Paso bill.

Mr. Logan. I rise to a question of order, that this amendment is not germane to the pending bill. The bill is to revive a certain land grant and to extend the time, while the amendment is another charter for a Pacific railroad, authorizing the building of bridges, granting the right of way and everything else of the sort. I have been in favor of the pending Arkansas bill, but I do not wish to be made to carry this Pacific railroad bill. I do not think the amendment is in order.

The Speaker. The Chair sustains the point of order for two reasons. It is expressly prohibited by the rule that where a land grant is under consideration another grant to a different company shall be entertained. This is not a specific land grant, but it does give away the public land of the United States so far as to give the right of way. Again, by the rules, no proposition upon a subject different from that under consideration can be admitted under color of amendment.

Therefore the amendment was out of order on either ground. If it was a land grant, of course it was out of order, because no land grant could be attached to another; and if not a land grant, it was out of order, because it was attempting to introduce a different subject under color of amendment. Therefore in either way the amendment was excluded.

Mr. Frye. At the time that ruling was made did you have any interest whatever in this railroad?

Mr. Blaine. Never had, and never expected to have; never remembered to have heard of it at that time.

Mr. Frye. Did you know or expect any personal friend of yours to have any interest in that road?

Mr. Blaine. None in the world, not the slightest, never had heard of it, and I want to say, (and the interruption by my colleague [*Mr. Frye*] enables me to do so,) that what I did in that case, and every occupant of the chair will bear me out in the statement, is what is very frequently done by the Speaker. It was helping a member in that direction, nothing in it unusual, nothing extraordinary at all. Only by wresting it from its connection and giving it an evil construction could I be said at that time to have had the slightest possible interest in this road. But I never remembered that night to have heard of this road, and it was only three or four months afterward that these Boston parties themselves, with whom I was interested, took any interest in it. On the same day I wrote another letter:

AUGUSTA, *October* 4, 1869.

MY DEAR MR. FISHER: Find inclosed contracts of the parties named in my letter of yesterday. The remaining contracts will be completed as rapidly as circumstances will permit.

I inclose you a part of the Congressional Globe of April 9, containing the point to which I referred at some length in my previous letter of to-day. You will find it of interest to read it over and see what a narrow escape your bill made on that last night of the session. Of course it was my plain duty to make the ruling when the point was once raised. If the Arkansas men had not, however, happened to come to me when at their wits' end and in despair, the bill would undoubtedly have been lost, or at least postponed for a year. I thought the point would interest both you and Caldwell, though occurring before either of you engaged in the enterprise.

I beg you to understand that I thoroughly appreciate the courtesy with which you have treated me in this railroad matter; but your conduct towards me in business matters has always been marked by unbounded liberality in past years, and of course I have naturally come to expect the same of you now. You urge me to make as much as I fairly can out of the arrangement into which we have entered. It is natural that I should do my utmost to this end. I am bothered only by one thing, and that is definite and expressed arrangement with Mr. Caldwell. I am anxious to acquire the interest he has promised me, but I do not get a definite understanding with him as I have with you.

I shall be in Boston in a few days, and shall then have an opportunity to talk the matter over fully with you. I am disposed to think that whatever I do with Mr. Caldwell must really be done through you.

Kind regards to Mrs. Fisher.

Sincerely,

W. F., JR., ESQ. J. G. BLAINE.

Then in July I wrote this letter; they began then to speak of the road:

AUGUSTA, MAINE, *July* 2, 1869.

MY DEAR MR. FISHER: You ask me if I am satisfied with the offer you make me of a share in your new railroad enterprise.

Of course I am more than satisfied with the terms of the offer. I think it a most liberal proposition.

If I hesitate at all, it is from considerations no way connected with the character of the offer. Your liberal mode of dealing with me in all our business transactions of the past eight years has not passed without my full appreciation. What I wrote you on the 29th was intended to bring Caldwell to a definite proposition. That was all.

I go to Boston by same train that carries this letter, and will call at your office to-morrow at twelve M. If you don't happen to be in, no matter. Don't put yourself to any trouble about it.

Yours,

W. FISHER, JR. J. G. B.

Here is a letter which was written just before that:

AUGUSTA, *June* 29, 1869.

MY DEAR MR. FISHER: I thank you for the article from Mr. Lewis. It is good in itself and will do good. He writes like a man of large intelligence and comprehension.

Your offer to admit me to a participation in the new railroad enterprise is in every respect as generous as I could expect or desire. I thank you very sincerely for it, and in this connection I wish to make a suggestion of a somewhat selfish character. It is this: You spoke of Mr. Caldwell disposing of a share of his interest to me. If he really designs to do so, I wish he would make the proposition definite, so that I could know just what to depend on. Perhaps if he waits till the full development of the enterprise he might grow reluctant to part with the share; and I do not by this mean any distrust of him.

I do not feel that I shall prove a dead-head in the enterprise if I once embark in it. I see various channels in which I know I can be useful.

Very hastily and sincerely, your friend,

MR. FISHER, J. G. BLAINE.
India Street, Boston.

Mr. Frye. I desire to ask my colleague if the trade which is alluded to there between him and Mr. Caldwell, called a share, or scheme, or something of that kind, was ever entered into between him and Mr. Caldwell?

Mr. Blaine. It was not. That was a proposition to sell me a share in what was called the bed-rock of the road, to let me be interested in the building of it. That transaction was never consummated. All that I ever had to do with the road was this most unfortunate transaction of my life, pecuniarily and otherwise, in buying and selling some of the bonds.

WASHINGTON, *May* 14, 1870.

MY DEAR MR. FISHER: I think, on the whole, I had better not insist on the $40,000 additional bonds at same rate. My engagement was not *absolute*, and I can back out of it with honor. I would rather do this than seem to be exacting or indelicate.

Besides, I have always felt that Mr. Caldwell manifested the most gentlemanly spirit toward me, and designed to treat me handsomely in the end. On the whole, therefore, I shall be better off perhaps to let things remain as they are. But I will follow your judgment in this matter if I can find what it is.

Very hastily,

W. FISHER, ESQ. J. G. BLAINE.

AUGUSTA, *October* 1, 1871.

MY DEAR MR. FISHER: I am doing all in my power to expedite and hasten the delivery of that stock. The delay has been occasioned by circumstances wholly beyond my control. But I shall reach a conclusion within a few days and make the formal delivery then. It will be an immense relief to get it off my hands, I assure you; far greater than it will be for you to receive it.

You must have strangely misunderstood Mr. Caldwell in regard to his paying those notes. He has paid me in all just $6,000, leaving $19,000 due, which I am carrying here at 8 and 8½ per cent. interest, and which embarrasses me beyond all imagination. I do not really know which way to turn for relief, I am so pressed and hampered. The Little Rock and Fort Smith matter has been a sore experience to me, and if you and Mr. Caldwell between you cannot pay me the $19,000 of borrowed money, I don't know what I shall do. Politically I am charged with being a wealthy man. Personally and pecuniarily I am laboring under the most fearful embarrassments, and the greatest of all these embarrassments is the $19,000 which I handed over under your orders, and not one dollar of which I have received. Of the $25,000 original debt, Mr. Caldwell has paid $6,000, and $6,000 only. Can you not give me some hope of relief in this matter? It is cruel beyond measure to leave me so exposed and so suffering.

You know my profound regard for you and my faith in you. We have been friends too long and too intimately to allow a shade between us now.

Yours truly,

J. G. BLAINE.

That will surprise a great many people.

AUGUSTA, MAINE, *October* 4, 1871.

MY DEAR MR. FISHER: You must have strangely misunderstood Mr. Caldwell's statement in regard to his paying me all but $2,500 of the $25,000 borrowed money which I loaned the company through him and you last January. Mr. Caldwell paid me in June $3,500, and in July $2,500 more, accepting at same time a draft for $2,500, July 10, ten days, which draft remains unpaid. I have, therefore, received but $6,000 from Mr. Caldwell, leaving $19,000 (besides interest) due me to-day.

For this $19,000 I am individually held, and, considering all the circumstances, I think you and Mr. Caldwell should regard it as an honorary debt, and you should not allow me to suffer for money which I raised under the peculiar circumstances attending this. It is a singularly hard and oppressive case, the features and facts of which are familiar to you and Mr. Caldwell.

And then, again, I have been used with positive cruelty in regard to the bonds.

I have your positive written contract to deliver me $125,000 land-bonds and $32,500 first-mortgage bonds. The money due you on the contract was all paid nearly a year and a half ago. Of this whole amount of bonds due me I have received but $50,000 land grants, leaving $75,000 of those and $32,500 first mortgage still due. I know you are pressed and in trouble, and I don't wish to be too exacting; rather I wish to be very liberal in settlement.

Now, I make this offer: Pay me the cash due on the borrowed-money account; call it $19,000 in round numbers, and $40,000 land bonds, and we will call it square.

Mr. Caldwell has repeatedly assured me that I should be paid all the bonds due me under contracts with you, and outside of that $20,000 due me from him. I now voluntarily offer to make a very large reduction if I can have the matter closed.

I am without doubt the only person who has paid money for bonds without receiving them, and I think you will agree with me that I have fared pretty roughly. It would be an immense, immeasurable relief to me if I could receive the money in time to pay off the indebtedness here within the next six weeks, so that I can go to Washington this winter with the load taken off my shoulders. It was placed there in the fullest faith and confidence that you and Mr. Caldwell would not let me suffer. I still cling to that faith and confidence. You will much oblige me by showing this letter to Mr. Caldwell.

Yours, very truly,

W. FISHER, JR., ESQ., *Boston.* J. G. BLAINE.

I will inform gentlemen for their benefit, especially those who are so eager to search the records of the circuit court at Little Rock, Arkansas, that it was this $25,000 which I recovered through the courts of Arkansas; I think it was the 1st of May, this Spring.

WASHINGTON, D.C., *April* 13, 1872.

MY DEAR MR. FISHER: I have your favor of the 12th. I am not prepared to pay any money just now in any direction, being so cramped and pressed that I am absolutely unable to do so. Please send me a copy of the notes of mine held by you with indorsed payments thereon.

I would have been glad, instead of a demand upon me for payment of notes, if you had proposed a general settlement of all matters between us that remain unadjusted. There is still due to me on articles of agreement between us $70,000 in land bonds, and $31,000 in first-mortgage bonds, making $101,000 in all. For these bonds the money was paid you nearly three years ago, and every other party agreeing to take bonds on same basis has long since received its full quota. I alone am left hopeless and helpless, so far as I can see. Then there is the $25,000 which I borrowed and paid over, under your orders, to Mr. Pratt, for which I have received no pay. Mr. Caldwell paid me a small fraction of the amount as I supposed, but he now says the money he paid me must be credited to another account on which he was my debtor, and that he denies all responsibility, past, present, and future, on the $25,000, for the payment of which I must, he says, look solely to you. I only know that I delivered the money to Mr. Pratt on your written order. I still owe the money in Maine, and am carrying the greater part of it at 8 per cent.—nearly $2,000 per annum steady draw on my resources, which are slender enough without this burden.

Still further, I left with Mr. Mulliken, January, 1871, $6,000 in land-grant bonds Union Pacific Railroad, to be exchanged for a like amount of Little Rock land bonds *with Mr. Caldwell*, he to change back when I desire. Mr. Caldwell declined to take them, and you took them without any negotiation with me or any authority from me in regard to the matter. You placed the Little Rock land bonds in the envelope, and I have the original envelope with Mr. Mulliken's indorsement thereon of the fact of the delivery to you. Now, I do not complain of your taking the bonds, provided you hold yourself bound to replace them. The worst of the whole matter was that the bonds were only a part mine, and I have had to make good the others to the original owner.

There are other matters to which I would refer; but my letter is already long.

I do not think, under the circumstances, it would be quite wise or kind in you to place any note or notes of mine that may happen to be in your possession in the hands of third parties as collateral.

In any event I ask as a simple favor that you will not do so, and that you will send me by return mail a copy of all obligations of mine in your possession.

Mrs. Blaine joins me in very kind regards to Mrs. Fisher, and in the expression of the hope that you may have a pleasant and profitable tour in Europe.

Sincerely yours,

WARREN FISHER, JR., ESQ. J. G. BLAINE.

There is mentioned in this letter $6,000 of land-grant bonds of the Union Pacific Railroad for which I stood as only part owner; they were only in part mine. As I have started out to make a personal explanation, I want to make a full explanation in regard to this matter. Those bonds were not mine except in this sense: In 1869 a lady who is a member of my family and whose financial affairs I have looked after for many years — many gentlemen will know to whom I refer without my being more explicit — bought on the recommendation of Mr. Samuel Hooper $6,000 in land-grant bonds of the Union Pacific Railroad as they were issued in 1869. She got them on what was called the stockholder's basis; I think it was a very favorable basis on which they distributed these bonds. These $6,000 of land-grant bonds were obtained in that way.

In 1871 the Union Pacific Railroad Company broke down, and these bonds fell so that they were worth about forty cents on the dollar. She was anxious to make herself safe; and I had so much confidence in the Fort Smith land bonds that I proposed to her to make an exchange. The six bonds were in my possession; and I had previously advanced money to her for certain purposes and held a part of these bonds as security for that advance. The bonds in that sense, and in that sense only, were mine — that they were security for the loan which I had made. They were all literally hers; they were all sold finally on her account — not one of them for me. I make this statement in order to be perfectly fair.

I have now read those fifteen letters, the whole of them. The House and the country now know all there is in them. They are dated and they correspond precisely with Mulligan's memorandum, which I have here. I keep this memorandum as a protection to myself; for it is very valuable as showing the identity of the letters in every respect.

Mr. Glover. Will the gentleman allow that memorandum to be read?

Mr. Blaine. Wait just a moment. There was a contract also among these — the same that was put in evidence by Mulligan — of the parties in Maine who bought Little Rock bonds. I only refer to that because it is the same in every respect with that which has already been made public. He also testified to something as being among Mr. Fisher's papers about the Northern Pacific Railroad. That makes eighteen papers. I will put them all in; let them all go.

Mr. Hale. Does the exhibit which the gentleman has made cover every paper of every kind whatever that came from Mulligan?

Mr. Blaine. Every solitary scrap and "scrimption," as the children say. (These papers will be appended in a foot-note to these remarks.)

Mr. Glover. Will the gentleman from Maine now respond to the request I made, that the memorandum of Mr. Mulligan be read at the Clerk's Desk?

Mr. Blaine. Oh, yes; I shall be glad to have it read.

The Clerk read as follows:

No. 1. October 4, '69, relating to debate in the House and Blaine's ruling, and favors he was to receive from C. for pressing bill extending time on first 20 miles.

Mr. Blaine. This is what Mr. Mulligan puts down as the substance of the letters.

The Clerk continued the reading, as follows:

No. 2. October 4, '69, on same subject.

No. 3. June 27, '69, thanking Fisher for admitting him to participation in L. & F. R. R., and urging him to make call; say how much he would give him, and for what. He knew he would be no dead-head, but would render valuable assistance.

No. 4. July 25, '69, on the same subject.

No. 5. September 5, '69, contract with different parties.

No. 6. Contract with Northern Pacific.

No. 7. May 14, '70, Caldwell designs to treat him handsomely in the end.

No. 8. October 24, '71, Fisher to Blaine, urging settlement of N. P. R. account, $25,000.

Mr. Blaine. There was no such letter in the package. The letter he speaks of seems to have been a letter from Mr. Fisher to myself. There was no such letter in the package; and the numbers he gives do not call for it. There are fifteen letters and three pieces of paper. At any rate that was not a letter from me.

The Clerk continued the reading as follows:

No. 9. October 4, '71, Blaine admits that there was $6,000 paid on the $25,000 loan and to have received $50,000 from Fisher.

No. 10. October 1, '71, admits being paid $6,000 on account of loan.

MR. BLAINE sold sundry parties $125,000 in first-mortgage bonds, and common stock $125,000, preferred stock $125,000; for which was paid by them $125,000 cash; and Mr. Blaine was to receive for his share of the transaction $125,000 in land-grant bonds, and $32,500 in first-mortgage bonds. Total, $157,500.

Now, calling land and first-mortgage bonds equal in value, and stock valueless for $125,000 plus $157,000 equals $282,000 bonds; cash $25,000 equals $44\frac{25}{113}$ per cent.

MR. BLAINE also sold sundry parties $63,000 bonds and $56,000 stock for cash $43,150.

$15,150 less cash paid MR. BLAINE for his share in the transaction.

$28,000 net cash received by Mr. Fisher for the above $63,000 bonds and $56,000 stock, equal $44\frac{25}{113}$ per cent for the bonds, calling stock nothing.

MR. BLAINE in final settlement, September 21, 1872, claimed only $101,000 bonds due December letter (December 3, '72); he previously received $61,000, and was to look to Caldwell for balance.

Sept. 21, '72, received $40,000.

No. 11. Apl. 13, 1872, saying there was $101,000 bonds due him, and claiming that there was due him on Union Pacific bonds exchanged $6,000, and admitting that there were some of them his own.

No. 12. Apl. 18, 1872, admits the $64,000 sale bonds, and paid the money over in forty-eight hours to Maine parties.

Mr. Blaine. See the abstract that he makes:

Admits the $64,000 sale bonds, and paid the money over in forty-eight hours to Maine parties.

There is not a word said about it in the letter.

The Clerk continued and concluded the reading as follows:

No. 13. Aug. 9, '72, as dry financially as a contribution-box, and borrowing money to defray his campaign expenses.
No. 14. Aug. 31, '72, about settlement.
No. 15. May 26, '64, says he was a partner in the Spencer Rifle Co.

Mr. Blaine. Now, Mr. Speaker, I would be glad to have any gentleman who desires to be frank examine these letters, as they will be printed in the *Record*, and see the obvious intent and animus of Mulligan in making up this memorandum; I will not further comment on it. I desire to call attention to the fact that these are the letters for which I was ready to commit "suicide," and do sundry and divers other desperate things in order to acquire them.

I do not wish to detain the House, but I have one or two more observations to make. The specific charge that went to the committee of which the honorable gentleman from Virginia is chairman, so far as it affects me, was whether I was a party in interest to the sixty-four thousand dollar transaction; and I submit that up to this time there has not been one particle of proof before the committee sustaining that charge. Gentlemen have said what they had heard somebody else say, and generally when that somebody else was brought on the stand it appeared that he did not say it at all. Colonel Thomas A. Scott swore very positively and distinctly under the most rigid cross-examination all about it. Let me call attention to that letter of mine which Mulligan says refers to that. I ask your attention, gentlemen, as closely as if you were a jury, while I show the absurdity of that statement. It is in evidence that with the exception of a small fraction the bonds which were sold to parties in Maine were first-mortgage bonds. It is in evidence over and over again that the bonds which went to the Union Pacific road were land-grant bonds. Therefore it is a moral impossibility the bonds taken up to Maine should have gone to the Union Pacific Railroad. They were of different series, different kinds, different colors, everything different, as different as if not issued within a thousand miles of each other. So on its face it is shown it could not be so.

There has not been, I say, one positive piece of testimony in any direction. They sent to Arkansas to get some hearsay about bonds. They sent to Boston to get some hearsay. Mulligan was contradicted by Fisher, and Atkins and Scott swore directly against him. Morton, of Morton, Bliss & Co., never heard my name in the matter. Carnegee, who negotiated the note, never heard my name in that connection. Rollins said it was one of the intangible rumors he spoke of as floating in the air. Gentlemen who have lived any time in Washington need not be told that intangible rumors get considerable circulation here; and if a man is to be held accountable before the bar of public opinion for intangible rumors, who in the House will stand?

Now, gentlemen, those letters I have read were picked out of correspondence extending over fifteen years. The man did his worst, the very worst he could, out of the most intimate business correspondence of my life. I ask, gentlemen, if any of you, and I ask it with some feeling, can stand a severer scrutiny of or more rigid investigation into your private correspondence? That was the worst he could do.

There is one piece of testimony wanting. There is but one thing to close the complete circle of evidence. There is but one witness whom I could not have, to whom the Judiciary Committee, taking into account the great and intimate connection he had with the transaction, was asked to send a cable despatch, and I ask the gentleman from Kentucky if that despatch was sent to him?

Mr. Frye. Who?

Mr. Blaine. To Josiah Caldwell.

Mr. Knott. I will reply to the gentleman that *Judge Hunton* and myself have both endeavored to get Mr. Caldwell's address, and have not yet got it.

Mr. Blaine. Has the gentleman from Kentucky received a despatch from Caldwell?

Mr. Knott. I will explain that directly.

Mr. Blaine. I want a categorical answer.

Mr. Knott. I have received a despatch purporting to be from Mr. Caldwell.

Mr. Blaine. You did?

Mr. Knott. How did you know I got it?

Mr. Blaine. When did you get it? I want the gentleman from Kentucky to answer when he got it.

Mr. Knott. Answer my question first.

Mr. Blaine. I never heard of it until yesterday.

Mr. Knott. How did you hear it?

Mr. Blaine. I heard you got a despatch last Thursday morning at eight o'clock from Josiah Caldwell completely and absolutely exonerating me from this charge, and you have suppressed it. [Protracted applause upon the floor and in the galleries.] I want the gentleman to answer. [After a pause.] Does the gentleman from Kentucky decline to answer.

The Speaker (*pro tempore*). The gentleman will suspend until order is restored. The doorkeepers will remove from the Hall those not entitled to the floor; and the galleries will be cleared if this applause is repeated. So long as the present occupant is in the chair that rule will be enforced.

Mr. Blaine. Mr. Speaker, I ask to offer the following resolution as a matter of privilege in this connection.

The Speaker (*pro tempore*). The gentleman from Maine will suspend until order is restored. The Chair is not responsible for this disorder, and the doorkeepers have failed to keep out men not authorized to come into the Hall. There are in this Hall those not members double the number of members. The doorkeepers will enforce the rules of the House. Those who are not entitled to the floor will leave it.

Members of the House will be seated. [After a pause.] The gentleman from Maine will proceed.

Mr. Blaine. I want the gentleman from Kentucky to answer me, or rather to answer the House, that question.

Mr. Knott. I will answer that when I get ready. Go on with your speech.

Mr. Blaine. I desire to offer the following resolution.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be instructed to report forthwith to the House whether in acting under the resolution of the House of May 2, relative to the purchase by the Pacific Railroad Company of seventy-five land-grant bonds of the Little Rock and Fort Smith Railroad, it has sent any telegram to one Josiah Caldwell, in Europe, and received a reply thereto. And, if so, to report said telegram and reply, with the date when said reply was received, and the reasons why the same has been suppressed.

Mr. Blaine. After that add, "or whether they have heard from Josiah Caldwell in any way." Just add those words, "and what." Give it to me and I will modify it.

The Speaker (*pro tempore*). The Clerk will read the modification of the resolution.

The Clerk read as follows:

And whether they have heard from the said Josiah Caldwell, in any other way, and to what effect.

Mr. Blaine. The gentleman from Kentucky, in responding, probably, I think, from what he said, intended to convey the idea I had some illegitimate knowledge of how that despatch was obtained. I have had no communication with Josiah Caldwell. I have had no means of knowing from the telegraph office whether the telegram was received. But I tell the gentleman from Kentucky that murder will out.

Mr. Glover. That is true.

Mr. Blaine. And secrets will leak. And I tell the gentleman now, and I am prepared to state to this House, that at eight o'clock on last Thursday morning, or thereabouts, the gentleman from Kentucky received and receipted for a message addressed to him from Josiah Caldwell, in London, entirely corroborating and substantiating the statements of Thomas A. Scott, which he had just read in the New York papers, and entirely exculpating me from the charges which I am bound to believe from the suppression of that report the gentleman is anxious to fasten upon me.

I call the previous question on that resolution.

[Protracted applause from the floor and the galleries.]

Foot-note.— Papers I, J, and K, found with the letters surrendered by Mulligan, are hereto appended. The papers relating to the Northen Pacific road are not remembered by MR. BLAINE; the handwriting is not known to him, and he can recall no connection with them in any respect. They are, however, quite unimportant.

I.

Cost of ⅛ of 1 share, $466,667, is	$58,333
⅛ of $416,667, to receive in bonds, is at par $52,083, at 90c., would be	46,875
	$11,458

for which you will get ⅛ of 541,234 stock, which is $67,654; and when the road is finished you will get ⅛ of 3,416,708, which is 427,088 in stock, beside your interest in the Land Company, which is proportionate. Bonds at par would make the above amount of stock cost about $6,250.

J.

Whereas, under certain agreements with the Northern Pacific Railroad Company dated May 20, 1869, and January 1, 1870, Messrs. Jay Cooke & Co. have become fiscal agents for the negotiations of the securities of said company upon the terms therein stated; and whereas, under said agreements, Jay Cooke & Co. become possessed of twelve of the twenty-four interests constituting the company and representing its franchises; and whereas Jay Cooke & Co., for the purpose of furnishing funds under their agreements as fiscal agents, for the construction and equipment of the road from its intersection with the Lake Superior and Mississippi Railroad to the Red River, near the mouth of the Cheyenne, a distance of about two hundred and twenty-five miles, forming a complete road from Lake Superior to the Red River, have offered to the subscribers, for the first five millions of dollars of the first-mortgage bonds of the company, the following terms, namely:

The subscribers to purchase of Jay Cooke & Co. the said bonds bearing 7.3 gold interest at par, $5,000,000, and twelve interests in the company at $50.000 each, $600,000, amounting in all to $5,600,000; or, say, twelve shares of $466,-667 each to be paid for in installments, extending through about fifteen months, as the funds may be required by the company, for which each share shall receive as follows:

Bonds, one-twelfth of $5,000,000		$416,667
Preliminary issue of stock	$93,400	
Twenty per cent. stock commissions on bonds .	83,334	
		476,734

and $40,500 stock upon completion of each section of twenty-five miles of the road.

Thus, upon completion to Red River, estimating the distance at two hundred and twenty-five miles (nine sections of twenty-five miles each), each share will have received nine times $40,500, equal to $364,500, in addition to previously stated $176,734, say $541,234 stock; and this proportionate issue continuing with the progress of the road, upon completion to the Pacific each share will have received in all $416,667 bonds and $3,416,708 stock (the fractions in all cases being adjusted in even figures), and the entire five millions of bonds will thus carry with them a total of $41,000,500 stock.

It is designed in addition to organize a private land company for the purchase and sale of desirable town sites and other valuable lands, from which large profits are anticipated; the interests in such company to be held in the same proportion with the subscriptions to the present agreement, and the funds required to be assessed correspondingly from time to time, of course, with the consent of the parties.

Upon the foregoing terms, we, the undersigned, subscribe the shares and portions of shares set opposite our names, to be paid for in installments as called, the bonds to carry interest from date of payments.

It is also hereby agreed by the subscribers whose names are hereby annexed that they will leave with Jay Cooke & Co. their proxies on all stock acquired under the terms of this agreement, and that they will not dispose of any of the first-mortgage bonds subscribed for unless with the consent of said Jay Cooke & Co., or until such sales shall cease to interfere with the plans of the fiscal agents for providing of necessary funds for the completion and equipment of the whole line of road.

K.

BOSTON, *September* 5, 1869.

Whereas I have, this day, entered into agreements with A. & P. Coburn, and sundry other parties resident in Maine, to deliver to them certain specified amounts of the common stock, preferred stock, and first-mortgage bonds of the Little Rock and Fort Smith Railroad Company, upon said parties paying to me the aggregate sum of $130,000, which several agreements are witnessed by J. G. Blaine and delivered to said parties by said Blaine.

Now this agreement witnesses, that upon the due fulfilment of the several contracts referred to, by the payment of the $130,000, and for other valuable considerations, the receipt of which is acknowledged, I hereby agree to deliver to J. G. Blaine, or order, as the same come into my hands as assignee of the contract for building the Little Rock and Fort Smith Railroad, the following securities, namely: Of the land bonds, 7 per cents, $130,000 ; of the first mortgage-bonds, gold, sixes, $32,500. And these $130,000 of land bonds and $32,500 of first-mortgage bonds thus agreed to be delivered to said Blaine are over and above the securities agreed to be delivered by Warren Fisher, Jr., assignee to the parties making the contracts, which parties, with the several amounts to be paid by each, and the securities to be received by each, are named in a memorandum on the next page of this sheet.

And it is further agreed, that in the event of any one of said parties failing to pay the amount stipulated, then the amount of securities to be delivered to said Blaine under this agreement shall be reduced in the same proportion that the deficit of payment bears to the aggregate amount agreed to be paid.

WARREN FISHER, JR., *Assignee.*

Witness:
ALVAN R. FLANDERS.
[Stamp.]

Parties contracting with Warren Fisher, Jr., Assignee, as referred to in preceding agreement.

	To pay.	*To receive.*		
	Cash.	*Common stock.*	*Preferred stock.*	*First-mortgage bonds.*
1. A. & P. Coburn	$50,000	$50,000	$50,000	$50,000
2. Peter F. Sanborn	10,000	10,000	10,000	10,000
3. Anson P. Morrill	10,000	10,000	10,000	10,000
4. Ralph C. Johnson	10,000	10,000	10,000	10,000
5. P. R. Hazeltine	5,000	5,000	5,000	5,000
6. C. B. Hazeltine	5,000	5,000	5,000	5,000
7. N. P. Monroe	5,000	5,000	5,000	5,000
8. A. W. Johnson	5,000	5,000	5,000	5,000
9. H. H. Johnson	5,000	5,000	5,000	5,000
10. Philo Hersey	5,000	5,000	5,000	5,000
11. Lot M. Morrill	5,000	5,000	5,000	5,000
12. A. B. Farwell	5,000	5,000	5,000	5,000
13. Joseph H. Williams	5,000	5,000	5,000	5,000
14. Charles M. Bailey	5,000	5,000	5,000	5,000
	$130,000	$130,000	$130,000	$130,000

In addition to the above, there are to be delivered to J. G. Blaine's order of the land bonds in 7s., currency, $130,000; first-mortgage bonds, 6s., gold, $32,500.

Mr. Holman. I ask that the resolution be again read.

The resolution was again read.

Mr. Knott rose.

The Speaker (*pro tempore*). Does the gentleman from Maine insist on the demand for the previous question?

Mr. Blaine. If the gentleman from Kentucky desires to speak, I do not insist on it. But I do not yield the floor.

The Speaker (*pro tempore*). The gentleman from Maine, not yielding the floor, insists on the demand for the previous question.

Mr. Holman. Mr. Speaker, it appears to me that the resolution is only in order on a motion to suspend the rules.

Mr. Blaine. O, no; I hold most decidedly, and I am sure the honorable occupant of the Chair will sustain me in so holding, that the resolution embraces a question of the highest privilege.

Mr. Holman. I am making no point against the resolution.

Mr. Blaine. I hope the gentleman will not take the ground that this is not a privileged resolution.

Mr. Holman. I am not making the point; but it seems to me there is the same right to call for a report on any matter which may have been referred to that committee.

Mr. Blaine. No, sir. I say that this involves the good faith and the honor of the Judiciary Committee.

Mr. Holman. Ah! that is a different matter. Mr. Speaker, I rise to make an inquiry.

The Speaker (*pro tempore*). The gentleman from Indiana will state it.

Mr. Holman. The gentleman from Kentucky (*Mr. Knott*) rose, as I understood, with a desire to submit some explanation. If the previous question should now be seconded, would that exclude the gentleman from Kentucky from that privilege?

Mr. Blaine. I am quite willing that the gentleman from Kentucky should be heard. I do not want to stop him, but I wish a vote on the previous question.

The Speaker (*pro tempore*). The gentleman from Maine insists on a vote on his motion for the previous question.

Mr. Blaine. I do not insist on that now. I insist on the right to call the previous question, but not to the exclusion of the gentleman from Kentucky from speaking.

The Speaker (*pro tempore*). If the gentleman from Maine does not yield the floor, the Chair has no other alternative than to put the question on the motion for the previous question.

Mr. Blaine. Then I will yield the floor.

The Speaker (*pro tempore*). The gentleman's hour has expired.

Mr. Blaine. I know that the honorable Speaker will, of course, recognize me at the proper time, hereafter, to move the previous question.

The Speaker (*pro tempore*). The Chair will decide that when the time comes.

Mr. Holman. The gentleman from Maine must see the fairness of allowing the gentleman from Kentucky to make an explanation.

Mr. Blaine. I do; and I withdraw for the present the motion for the previous question, knowing that the Chair will recognize me hereafter to renew the motion.

The Speaker (*pro tempore*). The Chair does not decide that now.

Mr. Blaine. The Chair could not do otherwise.

Mr. Philips (of Missouri). I reserve the right to make the point of order on the competency of the resolution at this time.

Mr. Garfield. Too late.

The Speaker (*pro tempore*). It is not too late. Does the gentleman from Missouri make that point of order?

Mr. Philips (of Missouri). I do.

The Speaker (*pro tempore*). It has been repeatedly decided by Speaker KERR that a resolution following an explanation of this kind is in order. That decision has been made several times this session.

Mr. Jones (of Kentucky). I desire to say a word. When I rose a while ago my motive might have been misunderstood. I intended to say, if the question asked by the gentleman from Maine was a proper question, it ought to be answered; and I intended to demand myself that it should be answered.

Mr. Blaine. I thank the gentleman from Kentucky.

Mr. Jones (of Kentucky). The question, if a proper one, ought to be answered; and I have no doubt it will be when the gentleman from Kentucky (*Mr. Knott*) sees fit.

Mr. Knott. I yield to the gentleman from Virginia.

Mr. Hunton. I claim the indulgence of the House for a very brief period.

The Speaker (*pro tempore*). The Chair begs to state to the House that the doorkeepers report to him that it is utterly impossible to clear this hall unless the Capitol police be called in. The doorkeepers are instructed to call in the police, if necessary, and clear the hall of outsiders.

Mr. Atkins. Has the Sergeant-at-arms any duties in this matter?

The Speaker (*pro tempore*). The Sergeant-at-arms is bound by the rules to assist in that duty. The officers of the House will also clear the cloak-room of those who are not entitled to the privileges of the hall.

After a pause of some minutes,

Mr. Kasson said: I ask for the regular order.

The Speaker (*pro tempore*). The regular order is that the House be in order.

Mr. Kasson. The House is in more disorder than when the Chair suspended proceedings.

The Speaker (*pro tempore*). The Chair will take care that the regular order is called at the proper time. Gentlemen who are in the cloak-room, and not entitled to the privileges of the hall, will retire. The Chair has given the order, and he intends that it shall be enforced; but the order has not yet been enforced, and the Chair is utterly powerless unless the doorkeepers assist. There are many persons on the floor who are here without authority, and who refuse to go out. (After a pause, during which order in the hall was restored.) The gentleman from Virginia will proceed.

Mr. Hunton. I desire, Mr. Speaker, as chairman of the sub-committee to whom allusion has been frequently made in the statement of the gentleman from Maine, to detain the House to make a short statement of the matters to which he has alluded, and I trust that in doing this I shall speak as a member of the committee, and tell calmly, dispassionately, fairly, what has occurred before that sub-committee of which the gentleman from Maine complains.

I beg leave to say in advance that the House has witnessed this morning a remarkable, not to say an unexampled scene, a scene which may have its example in the history of legislation, but, if so, it has escaped my observation and reading on the subject.

During the present session of this House two resolutions were adopted, each of which ordered an investigation, each of which was referred to the committee on the Judiciary of this House, and each of which was referred to a sub-committee, consisting of *Mr. Ashe* of North Carolina, *Mr. Lawrence* of Ohio, and myself as chairman of the committee; and before the committee has finished the taking of the testimony, before that committee has reached a conclusion, an effort is made by the gentleman supposed to be mostly concerned in these investigations, to take the consideration of these questions from the organ of the House, and report upon them in person. I need not remind the House what sort of a report would come from that committee if it were allowed to be made by the gentleman from Maine. But I say that after this House has ordered an investigation, and has committed that investigation to a committee of the House, it is not only unexampled, but entirely against legislative proceedings, for a gentleman to rise and undertake to anticipate what the conclusion of that committee shall be, and to state what the action of that committee has been.

Now, Mr. Speaker, in regard to the action of this committee, I will endeavor to follow some of the points made by the gentleman from Maine, and if I state any of the facts wrong, I hope either of the gentlemen of that committee will correct me, because I desire to state nothing but what is accurately true in the statement I shall submit to the House.

The first point made by the gentleman from Maine was that it very soon was discovered that the resolution introduced by the gentleman from Massachusetts (*Mr. Tarbox*) was aimed at him, although his name was not mentioned in the resolution, and that he learned this from the proceedings of the sub-committee.

I beg to say to the House that the sub-committee and its chairman first learned from the gentleman from Maine that he was the man aimed at. He does not forget that after the resolution of *Mr. Tarbox* was referred to the sub-committee at his instance, I had an interview with him in the committee-room of the Committee of Ways and Means, and in that interview the gentleman from Maine spoke of it as a resolution affecting him. Not only that, but he expressed himself satisfied and pleased with the *personnel* of the sub-committee, *although two of them were confederates.* And at the instance of the gentleman from Maine a day was appointed upon which the sub-com-

mittee was to enter upon its duties. And yet he tells this House that he learned from the sub-committee that he was the party to be investigated, and not the Union Pacific Railroad, as set out in the resolution of *Mr. Tarbox*. The first I heard either from a member of the House or a member of the committee on the subject was from the gentleman from Maine (*Mr. Blaine*) himself, that the resolution referred to him, and he wanted the investigation commenced on a given day, and proceeded with, with as much despatch as possible from that day. I told the gentleman from Maine that the investigation I should undertake should be as kindly as I could make it, and it should be as fairly conducted as I could conduct it, but as thorough as it could possibly be.

I acceded to his wish that the investigation should not commence until a day not very distant in the future, I think about ten days off. The reason why he did not want the investigation to begin at once was that he wanted to go to Philadelphia during what is known as the Centennial week, and did not want the investigation to commence until the following week. The request was granted with a great deal of pleasure, and on the very day indicated by him, the very day he requested the investigation to begin, it was begun, and from that day to this there has been no hour that the committee could devote to this investigation that has not been devoted to it, except when the gentleman himself prevented it, and I say that more than two weeks' time has been lost to this committee because of the conduct of the gentleman from Maine; I do not mean to attach any blame to him; the first was the postponement until the week after the Centennial, and the next was a week of indisposition on his part; and even this morning I rose at the hour of four o'clock to come to this city, a distance of sixty miles, to renew the investigation and get through with it as soon as possible. The gentleman from Maine and his friends were not present, and the investigation had to be postponed. And yet he tells the House that the investigation is "prolonged, prolonged, prolonged," and seeks to make the impression on the House that it is the purpose of the committee to prolong this investigation for some sinister purpose. Why, he might just as well have said that we desired to postpone it until after the 14th of June; and every member of the committee will bear me witness to every word I say, that the committee worked in season and out of season,—sitting on one occasion nearly the entire day in order to get through with this investigation before the 14th day of June; and every delay that has occurred, every day when the committee was not able to be in session, it was either because the gentleman from Maine was absent or requested an adjournment. I will not say "every day," for it is possible that there were one or two days when we had a meeting of the full committee, or something of that kind. But the delay has been at his instance, has been caused by him; for this sub-committee has worked as (I say) no other sub-committee of this House has ever worked. So much for the prolonging of this investigation.

I had no desire, God knows, to prolong it. I had no desire to enter upon it; but it was a duty imposed upon me by the House, and I intended to discharge that duty, as I have endeavored to discharge

every such duty here, with fairness, impartiality, and a due regard to my duty to the House of Representatives. But the gentleman says that when we had been examining witnesses under what is known as the Tarbox resolution, to his surprise he found that I claimed, or the committee claimed, that they had jurisdiction to investigate certain Pacific railroads, and that he was to be involved in the investigation of those Pacific railroads as well as under the Tarbox resolution.

Now, the gentleman cannot have forgotten what occurred in that connection; and, not having forgotten it, it was his duty in fairness to have stated it to this House. He knows that this resolution of *Mr. Luttrell*, of California, directing an investigation into all the Pacific railroads that had received subsidies from the Government, was alluded to almost from the start of the investigation by the sub-committee; therefore he could not have been surprised in the least to learn in the last day or two that there was to be an investigation under the Luttrell resolution.

I desire to state specifically what occurred on this subject a day or two ago in the committee-room. I was asked, "Is there to be an investigation under this Luttrell resolution?" I said to *Mr. Blaine*, "The resolution will require an investigation that will take months at the hands of this committee. You have expressed a desire that all the investigation touching you shall be done speedily and concluded as soon as possible. If you desire it, I will not take up any other road except the Northern Pacific and the Kansas Pacific, because as to these two railroads your name has been mentioned as involved in an unpleasant way; and for your sake, that you may get a report before the tedious examinations of the affairs of all these Pacific railroads, we will take up first the matter which touches you, if you desire it." *Mr. Blaine* said that he desired us to go on.

Yet he is very much surprised after all these things occurred in the committee-room. He is surprised to find that an investigation is to be undertaken by this sub-committee which involves an examination in these specific railroads, and it is to be prolonged, prolonged, prolonged, when we agreed for his sake and at his instance to skip all the other inquiries under the Luttrell resolution, until we had disposed of those which seemed to attach to *Mr. Blaine*.

Mr. Frye. Will my colleague on the Committee on the Judiciary (*Mr. Hunton*) allow me to ask him a question in relation to that which he has just mentioned?

Mr. Hunton. Certainly.

Mr. Frye. Did not *Mr. Blaine*, in that last conversation, object that under the resolution the committee had no jurisdiction of a stock transaction between two individuals?

Mr. Hunton. Is that your only question?

Mr. Frye. Yes.

Mr. Hunton. I will answer it. I think it very likely he did. And I think also that if we had left the question of jurisdiction to *Mr. Blaine*, there would have been a great many questions ruled out. [Laughter.] But the committee had to decide the question of jurisdiction for themselves, and they decided that they had jurisdiction to go on.

Mr. Frye. I will ask you—

Mr. Hunton. I do not desire to be interrupted any further, if the gentleman will excuse me.

Mr. Frye. Very well.

Mr. Hunton. I say that there was no ground for the surprise of the gentleman, and instead of bad faith on the part of this committee in undertaking this investigation into the affairs of the Pacific railroads, it was our bounden duty, as the organ of the House, to undertake it, and to do what we could, whether we got through this session or not. And for the purpose of bringing to a close the matters which seemed to bear upon *Mr. Blaine*, — and this House and the country knows that there have been publications which drew from him certainly once, if not twice, a personal explanation on this floor, — for the purpose of getting at them speedily, and getting a report into this House as soon as we could, I said: "If you wish, *Mr. Blaine*, we will not go into all these other roads, but take up the Northern Pacific Road and the Kansas Pacific Road, because there is, connected with those two roads, a charge against you." Now, if there is anything unfair in that I cannot see it, and I guarantee that this House cannot see it.

Then about these letters; and that I believe is the gist of his complaint before this House. In order to set that question before the House properly, I desire to state it as it arose in the committee-room on the evidence. And I beg leave to state here, before I go from this point, that every witness that has been examined before the committee, whether his testimony was made in favor of *Mr. Blaine* or against him, was summoned by the committee without any suggestion from *Mr. Blaine* or any of his friends. He did on one occasion send me a memorandum of witnesses to summon, and my reply on the back of the memorandum was that every one of those witnesses had already been summoned (or were ordered to be summoned) by the Sergeant-at-Arms. Therefore every witness who has appeared before the committee under either resolution was summoned by the committee without any suggestion from *Mr. Blaine* or any of his friends.

Among these witnesses appeared Mr. James Mulligan, of the city of Boston, a gentleman whose character is unimpeached, and, according to the testimony, unimpeachable. Mr. Fisher was put on the stand to state some things differently from Mr. Mulligan, and he was asked the question: "What sort of a man is James Mulligan?" He was put upon the stand by *Mr. Blaine*, and, after his examination-in-chief had ended, he was asked this question. His reply was substantially, if not literally, "He is as good as any man I ever knew, or the best man I ever knew." Mr. Atkins, another witness introduced for the same purpose, said substantially the same thing of Mr. Mulligan. I desire to say to this House in the beginning that Mr. Mulligan stood before that committee with a reputation for truth and veracity equal to that of any gentleman on this floor. What may be his character I know not; I never saw him until he appeared in the committee-room.

Mr. Frye. Will my colleague on the committee pardon me a moment?

Mr. Hunton. Certainly.

Mr. Frye. From the gentleman's statement in relation to these questions as to the character of Mr. Mulligan, the impression might go out that *Mr. Blaine* asked those questions. Will the gentleman please state whether or not, he, as chairman of the committee, asked them?

Mr. Hunton. I did, sir.

Mr. Frye. That is all.

Mr. Hunton. And the witness answered just as I have stated. I wanted to know what sort of a witness I was dealing with. I put the question for the information of the committee. This witness, who had been summoned from Boston, was put upon the stand, and I did not know what he would testify to. If anybody had ever informed me what Mr. Mulligan's testimony would be, or what it would relate to, I had forgotten it entirely. In the course of his examination, the first day, Mr. Mulligan was testifying very quietly; there was no excitement in the committee-room at all when he happened to mention that he had in his possession certain letters written by *Mr. Blaine* to Warren Fisher, Jr. The mention of these letters seemed to have a remarkable effect on *Mr. Blaine*, for, in a moment or two afterward, he whispered to *Mr. Lawrence*, the republican member of that committee, "Move an adjournment." It so happened that I heard the suggestion. *Mr. Lawrence* got up with great solemnity on his countenance, and said, "Mr. Chairman, I am very sick, and I hope the committee will adjourn." [Laughter.]

Mr. Lawrence rose.

Mr. Hunton. I hope the gentleman is better to-day.

Mr. Lawrence. Will my colleague on the committee allow me to ask a question or make a statement?

Mr. Hunton. Certainly.

Mr. Lawrence. I will ask my colleague whether, when I went into the committee-room on that morning, the first thing I said to him, before I had spoken to anybody else, was not that I had been exceedingly sick during the night? [Laughter.] I had been to Baltimore on the day before; and though I had not indulged in anything that would necessarily make me sick, yet I was extremely sick, so much so that it was with difficulty I sat there at all. I said simply what was true when I said that I was extremely unwell: and, as the gentleman knows, I have been quite unwell ever since. [Laughter.]

Mr. Frye. What time was it when it was proposed to adjourn?

Mr. Lawrence. It was then half-past twelve o'clock, half an hour beyond the time when the committee usually adjourns to attend the sittings of the House. Now, my friend says that he heard the remark of *Mr. Blaine* asking me to move to adjourn. It was not necessary that I should state what *Mr. Blaine* had said to me.

Mr. Hunton. Nobody asked you to do so.

Mr. Lawrence. The gentleman says he heard it; but it was not necessary that I should state every ground for asking the adjournment.

Mr. Hunton. Certainly not.

Mr. Lawrence. It was sufficient that I deemed it necessary to ask an adjournment. [Laughter.]

Mr. Hunton. The gentleman has stated the matter exactly as it occurred. He did come in, in the morning, sick.

Mr. Lawrence. Yes, sir.

Mr. Hunton. But he went to work in a most vigorous style for two hours.

Mr. Lawrence. But I became exhausted.

Mr. Hunton. When those letters were mentioned, the gentleman became sick, and somebody else sicker. [Laughter.] And the motion to adjourn was made at his suggestion.

Mr. Lawrence. It ought to be said, in justice to *Mr. Blaine*, that so far as anything said by him to me could indicate his purpose, the motion to adjourn suggested by him was not caused by any fear of what was going on.

Mr. Hunton. I never intimated such a thing. The gentleman is raising men of straw just to knock them over. But I do say that after these letters were mentioned incidentally by Mr. Mulligan, the reference being brought out without a question (for I had not the remotest conception that he had any such letters in his possession), the gentleman from Ohio did rise, at the suggestion of the gentleman from Maine, and move an adjournment; and he put it upon the ground that he was sick, and we had been sitting over our time, anyhow. These are the exact facts. Now, why the motion to adjourn was suggested to the gentleman, and whether he was absolutely taken sicker at that moment, I cannot tell, and do not propose to inquire; but an adjournment was had. We did not like to keep our colleague there in misery and distress; on account of his sickness, and because we had sat over the hour which we were allowed to sit, an adjournment was had. The committee adjourned until the next morning at ten o'clock; and when we met, James Mulligan was put upon the stand again to complete his examination, which had been interrupted by the motion to adjourn. He was asked a question which did not look to the letters, which had no reference to them whatever. He said: "Mr. Chairman, before I proceed to answer that question, I desire to make a personal explanation painful to myself."

I will commence at the beginning of his personal explanation. I will state it substantially as he did, and if I err in any important particular, I trust I will be corrected. Upon the evening of his first arrival in the city of Washington, before I knew he was in the city, he and Warren Fisher were waited on by *Mr. Blaine.* They were invited to the house of *Mr. Blaine.* Mr. Mulligan said, "*Mr. Blaine*, I decline to go to your house; I do not want to talk about what I have been brought here for. I desire to take the stand to-morrow untrammelled by conversation of any kind with anybody." Warren Fisher went to the house of *Mr. Blaine.* Twice *Mr. Blaine* sent a messenger down to induce Mulligan to come to his house. Mr. Mulligan still declined, and presently *Mr. Blaine* and Warren Fisher came into the hotel where Mulligan stopped in the city of Washington (the Riggs House). Mr. Mulligan was in the barber-shop, undergoing the pleasant operation of shaving, or about to undergo it, and *Mr. Blaine* followed him into the barber-shop and commenced to entreat and

earnestly to request that Mulligan would give up those letters which *Blaine* had addressed to Warren Fisher. Mulligan declined to do it.

Mr. Frye. Mr. Speaker, if the gentleman —

A Member. I object to interruption.

Mr. Frye. I ask my colleague of the committee if I may interrupt him?

Mr. Hunton. Yes, you may.

Mr. Frye. The gentleman is now stating evidence, and I desire him to be very careful, because, as I remember it, there is no testimony whatever showing, or tending to show, that *Mr. Blaine*, in a barber-shop, in the presence of the barber, entreated Mulligan for those letters.

Mr. Hunton. It matters not where he entreated him. I am under the impression it was there, but I am not certain.

Mr. Frye. The letters were not read in any barber-shop.

Mr. Hunton. I will take him out of the barber-shop. It does not matter in the least where the entreaty was made. *Mr. Blaine* entreated him. I give you now the substance of the language of the witness. He entreated him with tears in his eyes, going down on his knees, or almost on his knees —

Mr. Frye. In the barber-shop?

Mr. Hunton. I did not say in the barber-shop. I do not care where it was. It was in his room, I believe; but he made this entreaty. The witness said, "with tears in his eyes, almost, if not quite, on his knees;" "'if you do not deliver those letters to me, I am ruined, and my family disgraced.'" Of course I mean to be understood here that the witness meant that *Blaine's* family would be disgraced through the ruin of *Mr. Blaine*. He also threatened to commit suicide. Mr. Mulligan refused to deliver the letters. He said: "*Mr. Blaine*, I see by the evening paper that my testimony given to the committee to-day is to be assailed," — to use his own word, "impugned," — "and in case my character and testimony are assailed, I want those letters to justify me in my testimony before the committee." *Mr. Blaine* asked: "Do you suppose I am going to assail you?" The witness said: "If you do not assail me, others may, and my character is too dear to me not to vindicate it if I can." *Mr. Blaine* then tried politics with him, and he asked the witness: "Are you content with your station?" To this Mulligan said he would like to improve it if he could. *Mr. Blaine* said: "Would you like a political office?" Mulligan replied he did not like politics, and did not care about it. *Mr. Blaine* then asked how he would like a foreign consulship? He said he would not like it; and after that *Blaine* said: "Let me see the letters, to peruse them." The witness objected, but he said finally, upon a pledge of honor from *Mr. Blaine* that he would return the letters, they were given him to read. He read them over once or twice, and returned them to the witness. Again he made an effort to obtain those letters, and Mr. Mulligan left the company and went into his room. In a short time *Mr. Blaine* followed him into his room, and this scene occurred between the parties without any witnesses: *Mr. Blaine* again endeavored to get possession of the letters. The witness

again declined to deliver them. The witness says that *Mr. Blaine* said: "I want to re-read those letters again, and I want to have them for that purpose."

Mr. Frye. I desire to ask my colleague a question there.

Mr. Hunton. Very well.

Mr. Frye. I want to call his attention —

Mr. Hunton. I trust you will, if I misstated the testimony.

Mr. Frye. The impression I received from the statement just made is, that this effort and threat to commit suicide was in the presence of witnesses.

Mr. Hunton. No; I did not say it was.

Mr. Frye. It was not?

Mr. Hunton. It was not.

Mr. Frye. Do not you know he testified it was to himself?

Mr. Hunton. I think he did; that it was to himself alone. He asked the witness to let him see the letters again; and the witness said that on a like pledge of honor to return them to him, he delivered those letters over a second time to *Mr. Blaine*, to read and return them; and when *Mr. Blaine* had read them and kept them a short time, he refused to deliver them. The witness became excited, demanded his letters, and followed *Mr. Blaine* into the room of Mr. Atkins on the floor below, and there demanded his letters from *Mr. Blaine;* and he not only demanded his letters, but he demanded the private memorandum which the witness himself had made to use on his examination before the committee, to refresh his memory. This was taken by *Mr. Blaine*, and this also he refused to deliver.

Mr. Frye. Will the gentleman pardon me again for interrupting him?

Mr. Hunton. Certainly.

Mr. Frye. Do I understand the gentleman as stating that Mr. Mulligan testified that he demanded in addition to the letters the private memorandum?

Mr. Hunton. No, sir. He said that *Mr. Blaine* took it when the letters were handed to him. The memorandum was with the letters when they were handed to him.

Mr. Frye. It was in the bundle?

Mr. Hunton. That may be.

Mr. Frye. Was it so?

Mr. Hunton. I think it was. And when *Mr. Blaine* refused to deliver the letters, he refused also to deliver the memorandum. Now this was the statement made by the witness before the committee charged with the investigation of these subjects. Who has a right to complain? The gentleman from Maine or the committee? Who has a right to complain? The gentleman from Maine or this House? Here was a witness summoned from Boston. He did not appear as a volunteer in the case. He came under the compulsory process of the House, and was entitled to the protection of the House as long as he was in the city of Washington under his subpœna. Is the authority of this House, in bringing witnesses here to testify to subject-matters of inquiry which the House has thought proper to make, to be pro-

tected or not? It is a question which concerns this House more than the sub-committee of which I have the honor to be chairman.

But the gentleman from Maine says that these were his letters. Why, sir, it is an utter mistake as to the law of the case — an utter, complete mistake. I say to this House, without the fear of successful refutation, that according to the well-settled principles of law those letters belonged to Mr. Warren Fisher from the time he received them from the mail until he delivered them over to Mr. Mulligan, and Mr. Mulligan was entitled to the possession and ownership of those letters from that period.

In regard to how Mr. Mulligan got possession of those letters, he says, and Mr. Fisher corroborates his statement, that those letters were taken possession of and brought to the city of Washington by James Mulligan with the full consent and approbation of Warren Fisher. There was no surreptitious possession of these letters on the part of the witness, but they were brought here with the knowledge and consent of Warren Fisher, and witness brought them for the purpose of sustaining his testimony on the stand if it became necessary to use them. And I say, Mr. Speaker, that from the very moment Warren Fisher received those letters from *Mr. Blaine*, *Mr. Blaine* ceased to have any control of them. He had no more right to the possession or control of those letters than he has to my watch now in my pocket or any other piece of property which I may own. Some of the authorities go so far as to say that the publication of private correspondence may be enjoined by the writer or author of the correspondence if it is attempted on the part of the holder to use that correspondence to the detriment of *the writer's property*. But until that is attempted or threatened the writer has no right to interfere with any sort of use that the recipient of those letters chooses to make of them.

I will not go further into this question, because my friend, the chairman of the committee, the gentleman from Kentucky, (*Mr. Knott,*) is fortified with authorities on this subject, and will state the law more clearly than I can. But if *Mr. Blaine* — as I have said the law declares — was not entitled to the possession and had no right to the letters, I ask how he can justify his course before this House in taking the letters under a promise on his honor to return them and then withhold them.

Well, the sub-committee thought that, as the letters were obtained by *Mr. Blaine* under circumstances such as I have detailed, it was right and proper that they should be given up to the committee or returned to the witness, the rightful owner of these letters; and when the demand was made upon *Mr. Blaine* for the production of them he asked for time to consult counsel. His demand was cheerfully granted, and an adjournment took place from that day until ten o'clock the next morning. At ten o'clock the next morning we heard from *Mr. Blaine* that he had not gotten through with the consultation; that owing to peculiar circumstances he had not been able to get the two counsel together the preceding night. We gave him until twelve o'clock. Twelve o'clock arrived; and he still was not ready. At two o'clock he came before the sub-committee with the opinion of Judge Black and Mr. Carpenter stating that we had no right to demand

these letters; that they were private property pertaining to the private business of *Mr. Blaine;* and that we had no right to demand them, and *Mr. Blaine* should resist the demand.

Now, the committee may have very high respect for the authority of Judge Black and Mr. Carpenter, but they were investigating a question for the House, and not according to the rules prescribed by Mr. Carpenter and Judge Black. They did not choose that Mr. Carpenter and Judge Black should decide a question which the House had ordered them to decide.

Mr. Frye. Will the gentleman allow me a question?

Mr. Hunton. Yes, sir.

Mr. Frye. Did not Mr. Mulligan on three different occasions testify that there was not more than one letter which touched however remotely any subject under investigation, whether the Union Pacific Railroad, the bonds sold the company by Tom Scott, or the Northern Pacific, or the Central Pacific, or all of the rest of those roads named in that resolution? Did he not testify in answer to your interrogatories at three different times that only one letter however remotely touched any matter which the sub-committee were investigating?

Mr. Hunton. No, sir; he did not so testify, according to my recollection. I will tell you what he did testify.

Mr. Frye. Well, sir.

Mr. Hunton. He testified on one or two or perhaps on three occasions that he did not think that there were but two letters in the batch which bore upon the subject-matter of inquiry before the committee: one in regard to the Northern Pacific and the other in regard to the Union Pacific.

Mr. Frye. Yes, sir.

Mr. Hunton. That is what he said, but the committee thought that as the letters had been obtained in the manner in which *Mr. Blaine* had obtained these letters, it was not only their right but their duty to determine the question for themselves whether the letters were pertinent to the subject-matter of inquiry or not.

Mr. Frye. One other question. The gentleman says in response to my question that there were two letters. one relating to the Union and the other to the Northern Pacific Railroad. On the day before yesterday, when you were pursuing the Northern Pacific inquiry, did he not swear distinctly that there was not one letter which related at all to the Northern Pacific?

Mr. Hunton. He mentioned a statement which related to it.

Mr. Frye. A statement but not a letter, and that statement not in *Mr. Blaine's* handwriting.

Mr. Hunton. No, sir.

Mr. Frye. Did he not state that the statement was not in *Mr. Blaine's* handwriting?

Mr. Hunton. I stated so.

Mr. Frye. One more question.

Mr. Hunton. I yield for one more.

Mr. Frye. Was there, when this witness was subpœnaed to Washington, any *subpœna duces tecum* at all?

Mr. Hunton. No, sir.

Mr. Frye. That is all.

Mr. Hunton. I do not see what difference it makes whether there was a *subpœna duces tecum* or not. The object of a *subpœna duces tecum* is to require the witness to bring papers. If he brings them without a *subpœna duces tecum*, the object is attained, because the letters are there; and the witness has a right to bring them without a *subpœna duces tecum* for the purpose for which he indicated he did bring them.

Now, I say, sir, that when these facts came out that there was a letter and a statement, which I believe was stated by *Mr. Blaine* to have been written by his clerk — when we found from the witness that one of these letters in that statement did relate to the subject-matter under inquiry, that when the solicitude was manifested to obtain possession of the letters, I ask the House whether it was not only the right but the duty of the sub-committee to demand at the hands of *Mr. Blaine* the restoration of these letters to the witness, or their production to the committee? The committee told *Mr. Blaine*, "If you say these letters are your private papers, surrender them to the committee; you did not get possession of them in a manner which the committee think rightful, whatever may be your opinion about it, and we desire to see those letters, not to be made public, not to be published as a part of the proceedings of the committee, not to be given to the correspondents of newspapers to be spread throughout the length and breadth of the land, but to be inspected by the committee in private and used only when found pertinent."

Mr. Frye. Mr. Speaker —

Mr. Hunton. I thought you said that you were only going to ask one question more?

Mr. Frye. Ah! at that time, allow me to ask if *Mr. Blaine* did not ask the chairman of the sub-committee —

Mr. Hunton. I am coming to that, if the gentleman will let me. I do not mean to omit an important particular; but let me state the case in my own way.

Mr. Frye. Very well.

Mr. Hunton. I stated that the committee ought to inspect those letters in private, and that wherever there was one that did not refer to the subject-matter of this investigation, either under the Luttrell resolution or the Tarbox resolution, those letters, which were found to be private, should not be made public.

Mr. Frye. That is not what my inquiry was about.

Mr. Hunton. I am coming to your inquiry; do not be impatient, if you please.

Mr. Frye. Very well.

Mr. Hunton. I know what the gentleman wants to ask me: if *Mr. Blaine* did not invite me to his house to read these letters.

Mr. Frye. That was not it.

Mr. Hunton. What was it?

Mr. Frye. I know *Mr. Blaine* did invite you, and told you that you might read all the letters. But I want to ask you if *Mr. Blaine* did not ask the sub-committee whether, if he produced these letters

and gave them to them, they should be examined privately, and only those put on record that related to the case; and if *Mr. Hunton*, the chairman of the sub-committee, did not say no, he would not examine them privately?

Mr. Hunton. No, sir.

Mr. Frye. You say you did not say that?

Mr. Hunton. I say I refused individually to examine them privately.

Mr. Frye. Was not that inquiry addressed to you when the sub-committee was in session?

Mr. Hunton. Yes, sir.

Mr. Frye. Then I understand you to say that you understood that inquiry to be addressed to you privately?

Mr. Hunton. I understood it so.

Mr. Frye. I understood it differently.

Mr. Hunton. I understood it as I have stated, and I do not think I am mistaken. I said to *Mr. Blaine* over and over again, "*Mr. Blaine*, I do not want to see your correspondence either public or private. I have no right to read it except as a committee-man; and these two gentlemen who sit on either side of me have the same right I have." I did not mean to receive at the hands of *Mr. Blaine* any letters or any papers that my colleagues on the committee could not see and inspect with me.

When I had the honor of an invitation to the gentleman's house to read these letters, I replied to it in the same way: "*Mr. Blaine*, I have no right to go to your house as a private citizen and read your correspondence; if I have the right to look at it at all, it is as a member and as the chairman of this committee; and if I have no right to look at it in that way, I have no right to look at it at all, and will not do it."

I believe he has stated on this floor to-day, and if I am wrong I hope I may be corrected, that forty-four gentlemen have read these papers. My colleague on the committee, the gentleman from North Carolina (*Mr. Ashe*) reminds me that when *Mr. Blaine* refused to produce these letters, he, or one of the members of the committee, asked that the memorandum of the witness should be surrendered to the committee, that we might examine it and see whether these letters were public and bore upon the subject of this investigation, or were private. That was refused.

When I refused to go to the gentleman's house and read these letters, I did it because I did not want, and God knows I do not want now, to pry into his private correspondence; but I thought it was my duty, as a member of the committee, and my duty to this House, to demand at his hands the production of letters and memorandum obtained in the manner in which I have stated. Now it is for this House to determine whether I did right or wrong, whether the committee did right or wrong. If I did wrong, I did it in pursuance of what I thought was my duty to this House to investigate thoroughly, and I trust impartially the subject-matters of inquiry addressed by the House to the Judiciary Committee. If I have erred, it has been an error of the judgment, and I say to-day that it is a job I never fancied.

Mr. Blaine. Will the gentleman permit me to ask him a question?

Mr. Hunton. Yes, sir.

Mr. Blaine. Does the gentleman know of a dispatch received from Josiah Caldwell in London?

Mr. Hunton. My friend, the chairman of the Committee on the Judiciary (*Mr. Knott*), will reply to you in full on that subject.

Mr. Blaine. I ask the gentleman if he knows —

Mr. Hunton. I do not mean to answer a question addressed properly to the chairman of the committee.

Mr. Blaine. But I address it to the chairman with whom I have been dealing. I ask the gentleman who is the chairman of the subcommittee to state to this House whether on Thursday morning last, the chairman of the full committee, *Mr. Knott*, of Kentucky, did not come to the committee-room and call the gentleman from Virginia out, and then, or at some other time, acquaint him with that fact?

Mr. Hunton. Now you are done.

Mr. Blaine. I do not know; it depends upon your answer.

Mr. Hunton. You are done, unless I choose to yield to you again.

Mr. Blaine. I ask you that question.

Mr. Hunton. And I answer you that if my friend from Kentucky (*Mr. Knott*) does not answer you fully, I will.

Mr. Blaine. Ah, that is not what —

Mr. Hunton. I will not yield to the gentleman any further.

Mr. Blaine. Will the gentleman yield on another point?

Mr. Hunton. Yes.

Mr. Blaine. The gentleman will pardon me for a moment; I will give him more of my time in exchange. The gentleman has commented with an attempt at severity upon the fact that I saw these witnesses before they testified. Has it not been the habit of the gentleman from Virginia to see witnesses before they testified?

Mr. Hunton. Not my habit, sir; I have seen several.

Mr. Blaine. I have received this letter which I wish to read:

WASHINGTON, D. C., *May* 23, 1876.

DEAR SIR: I arrived here last night to give my testimony in the case concerning yourself before the Judiciary Committee. I was summoned to the committee-room at ten o'clock this morning and was sorry to find the investigation postponed until to-morrow on account of your illness. I shall endeavor to call and pay my respects this evening. I was greatly taken by surprise at being taken aside by *Mr. Hunton* and somewhat closely interrogated privately as to the points of the testimony I should be able to give against you. All his inquiries seemed to be made with an animus, and the thorough questioning he gave me in this informal manner astonished me beyond measure. I had no idea that congressional investigations were conducted in this way. If they are they cease to be fair and honorable and degenerate into prosecutions and then into persecutions.

I learned after leaving *Mr. Hunton* that he has been pursuing this course with other witnesses who are presumed to have some testimony to give against you. *Mr. Hunton's* inquiries were not merely general, but were, it seemed to me, about as minute as they could well be, and put with an apparent desire to have every fact stated in a manner that would inculpate you.

I have felt that I was in honor bound to communicate this to you as early as possible for your own protection.

I am, very truly yours,

HON. J. G. BLAINE. A. P. ROBINSON.

He came that evening and had some conversation with me; and when the gentleman asked if he had seen me, he supposed it was in reference to the testimony. He did not come to tell me what he could testify to, but —

Mr. Hunton. I did not give way for a speech.

Mr. Blaine. I have made speech enough.

Mr. Hunton. The animus of that witness is shown by his letter more than mine is shown by it. I do not deny, I never have denied that I have talked with some half a dozen witnesses.

Mr. Blaine. But he said it was understood you "coached" the witnesses; that is the phrase he used.

Mr. Hunton. I say that if he or any other man says that I undertook to "post" the witness or to "coach" him, or intimates by any other technical term which I may not understand that there has been an attempt on my part to influence his testimony, it is false, absolutely false.

Now, I confess that I had talked to these witnesses; but never, never have I attempted to influence their testimony in the slightest degree. My object in talking to the witnesses was to learn how to examine them; I thought it my right and my duty.

Mr. Blaine. That is just what Mr. Robinson says — that the object was to get the strong points against me.

Mr. Hunton. I did not give way to the gentleman. I beg him to recollect that I have the floor, and not to attempt to take it from me until I yield to him.

I want him to recollect also that I was not under investigation; I was not interested in the result; and though I may have talked to witnesses before their examination, was that as bad as for the gentleman from Maine, who was interested in the result, to take them to his house? I say here upon my personal responsibility that not once have I attempted to influence the testimony of a witness summoned before me in any investigation ordered by this House. Why, sir, the gentleman knows that a witness in his examination in the open committee-room stated, "In my conversation with you, *Mr. Hunton*, this statement occurred." I never attempted to conceal the fact that on several occasions — probably four or five, it may be less or it may be more — I did talk with witnesses, that I might know under which resolution their testimony came; that I might know how to bring out the facts in the possession of witness. If that is wrong, Mr. Speaker, it is an error of judgment on my part. I cannot see it.

Now, these are the facts in this case; and I beg the House to bear in mind that they have committed these investigations to the hands of a committee; and while that committee is proceeding with its investigation the gentleman from Maine, who supposes that he is involved in this investigation, undertakes to forestall the conclusions of that committee, and make his own statement to the House of the result of that investigation. Mr. Speaker, if this practice is to be observed in the House, let all references to committees be discontinued; and whenever there is an inquiry here which may possibly involve a member, let that member get up on the floor and make his statement; let

that be received as the report of the committee; let it be adopted, and thus let the matter end. If that is not to be the practice, let this committee go on with its investigation. If the testimony does not implicate *Mr. Blaine*, I undertake to say that the committee will not only cheerfully and promptly, but with pleasure report that fact to the House. If, on the other hand, the testimony shall involve him in the charges which are under consideration by the committee, then rest assured that I, as one of the members of the committee, mean to report the facts to the House and the conclusions to be drawn from these facts.

Mr. Knott obtained the floor.

The Speaker (*pro tempore*). The Clerk will read to those who will listen the rule as to those entitled to the privilege of admission to the floor.

The Clerk read as follows:

No person except members of the Senate, their Secretary, heads of departments, the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress shall be admitted within the hall of the House of Representatives or any of the rooms upon the same floor or leading into the same; provided that ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the hall of the House; and no persons except those herein specified shall at any time be admitted to the floor of the House.

The Speaker (*pro tempore*). The Chair will state that numbers of persons on the floor have defied the officers of the House in remaining, and force has been required to put them outside of the Chamber. The Chair will also state that it is the duty of the Doorkeeper and the Sergeant-at-Arms to enforce this rule; and in order that gentlemen may conduct the public business the Chair states that this rule will be enforced, if necessary, by the police belonging to the Capitol. The gentleman from Kentucky will proceed.

Mr. Knott. Mr. Speaker, within the last two hours I have listened to imputations upon myself, upon this floor which, coming from a different source or elsewhere, I might, perhaps, answer very differently from the manner in which I shall attempt to answer them now. Those who are intimately acquainted with me know that I am the last man in the world to seek a personal altercation, and I assure the House that of all men in the world the gentleman from Maine (*Mr. Blaine*) is the last man with whom I would seek such a conflict. He is entirely too immense in his proportions for me to presume to attack.

> Why, man, he doth bestride the narrow world
> Like a Colossus, and we petty men
> Walk under his huge legs and peep about
> To find ourselves dishonorable graves.

Personal controversy seems to be his forte, and whenever he is engaged in a conflict of that kind on this floor the gentleman reminds me of Homer's description of Diomede:

> Dire was the clang and dreadful from afar,
> Was armed Tydides rushing to the war.

No; the gentleman, as my old friend Jim Johnson would say, is habitually and entirely "too pompious and uzurpious" for me to seek a contest with. [Laughter.] Two-thirds of the time when he is in the House he does not seem to realize whether he is in the Speaker's chair or on the floor, and to a stranger it would be an insoluble enigma.

The gentleman, quite unnecessarily, as I shall show, has dragged me into this personal matter of his own. In the first place, he insinuates that, from some unworthy motive, I, as chairman of the Committee on the Judiciary, appointed on the sub-committee, which has charge of this investigation, the gentleman from Virginia (*Mr. Hunton*) and the gentleman from North Carolina (*Mr. Ashe*). Well, in answer to that I have to say, first, that either of those gentlemen is his peer in any sense of the word, and, in point of honor, it is no disparagement to the gentleman from Maine to say they are both his superiors. [Hisses on the Republican side of the House.] That is all right. There are but three animals in this world that hiss: vipers, geese, and fools. Hiss on! [Laughter and applause.]

In the second place this sub-committee was, as I remarked a while ago, selected long before there was any insinuation, public or private, that I knew of, that the gentleman from Maine was in any manner implicated in any of the alleged fraudulent transactions on the part of any of these railroad corporations, and it did seem to me, when the gentleman flung his imputation at me, as a little strange that he could ascribe any motive to me under the circumstances, even granting the gentleman from Virginia and the gentleman from North Carolina were his personal enemies.

I repeat, sir, it does seem a little remarkable to me that you cannot touch one of those railroad companies but what the gentleman from Maine squeals. [Laughter.] Yes, sir, and I have no doubt it struck Mr. Harrison as a little remarkable, when that seventy-five-thousand-dollar bond transaction was mentioned in a meeting of directors of the Union Pacific Railroad, that the treasurer should say: "Do not say anything about that; it involves *Blaine*." [Renewed laughter.]

I will say furthermore, Mr. Speaker, that when this sub-committee was raised, long before I had any intimation that *Mr. Blaine* was involved in any manner in the railroad companies to be investigated, I went to his particular friend and colleague and asked him to take a position on that sub-committee, which he declined. So much for the appointment of the sub-committee.

Now as to the celebrated Mulligan letters —

Mr. Frye. I should like to ask the gentleman a question. I suppose the gentleman referred to me.

Mr. Knott. I referred to you, sir.

Mr. Frye. I presume if that is so, — I have no recollection about it, but I have no reason to question the gentleman's word in the matter, — if that was so, as a matter of course, it was to take the place occupied by *Mr. Lawrence*.

Mr. Knott. Certainly.

Mr. Frye. It was not to take the place occupied by the gentleman from Virginia or the gentleman from North Carolina?

Mr. Knott. Of course not.

Now with regard to the correspondence which seems to have brought up this attack by the gentleman from Maine upon the Judiciary Committee, so far as I have had anything to do with that, I will proceed to state it. The facts were laid before the committee that Mr. Mulligan had been summoned here to give testimony touching the subject-matters referred to the sub-committee; that he had appeared before the sub-committee and informed them, upon his arrival he had been approached by *Mr. Blaine* for a private interview, which he declined; that *Mr. Blaine* had asked him to show certain letters which were in his possession, — lawfully in his possession, — placed there by the recipient of those letters, Mr. Fisher, with his permission to the witness to make whatever use of them he might see proper; that he surrendered those letters to *Mr. Blaine* upon the personal promise of *Mr. Blaine* that he would return them to him after he had inspected them, which *Mr. Blaine* had refused to do; and that, thereupon, the sub-committee asked the advice of the committee as to the course they were to pursue. While the discussion of that matter was pending, the challenge was thrown out by the gentleman's friends, which has been thrown out by the gentleman himself here to-day, that he should be brought before the bar of the House and compelled to produce those letters. I then remarked, as I now remark, if the gentleman desires to join the noble army of martyrs, he must volunteer as he has done. I will never act as conscripting officer to get him a position in that glorious band. [Laughter.]

More than that, the gentleman insinuates that it is the settled purpose of the Judiciary Committee to do something or other that may, peradventure, prevent him from receiving the nomination at the coming convention at Cincinnati. I beg the gentleman to understand that, so far as I am concerned, and I believe that so far as any of my colleagues are concerned, we are perfectly willing that he shall receive that nomination. If, in the pending campaign, we cannot defeat the gentleman from Maine, God knows our case is hopeless, entirely so. If he should receive the nomination and be elected in the face of all the facts, all we can say is, may the Lord have mercy on the American people. [Laughter.]

In the discussion as to what should be done by the sub-committee under the circumstances I have stated, I did take occasion to say what I now repeat here in the face of this House and the world; that so far as those letters were concerned, they were legally the property of Mr. Fisher, and legally in the possession of his bailee, Mr. Mulligan, and that *Mr. Blaine* had no more right to the possession of them than I had; and that if he could procure letters under even an implied pledge of his personal honor to return them, and withhold them in the face of that pledge, it was a question for him to settle with the American people whose suffrages he seeks.

I care not whether Mr. Mulligan extorted from him an express promise to return them or not. He received them, knowing that Mulligan expected him to return them, and kept them with a strong hand when they were not his property. I say they were not his prop-

erty, and I say that in view of the law of the case. I affirm that the only right the gentleman from Maine had at all in those letters was to publish their contents for his own private use if he thought proper, or restrain by injunction their publication by another.

In one of the most celebrated cases upon this subject, where the whole question was thoroughly discussed and all the authorities reviewed, the famous case of Grigsby and wife against Breckenridge, one of the most illustrious jurists that ever adorned the bench on this continent, Chief Justice Robertson, of Kentucky, says:

A majority of the American cases even deny the right of the author to enjoin the publication of a private letter, on the ground of property. But, as before suggested, we incline to the conclusion that the weight of authority, fortified by analogy, preponderates in favor of the author's special property in the publication, and in his consequential right to publish if he keep or can procure a copy. But the recipient is not bound to keep the original for his transcription, inspection, or other use. There is no adjudged case or elementary dictum extending the author's right of property beyond this circumscribed and contingent range. And all the cases cited in this case thus limit and define it.

Publication by the author is circulation before the public eye by printing or multiplied copies in writing. The like publicity by the act of the recipient would be an infringement of the author's exclusive right, which he may prevent by injunction.

He goes on to say:

In an able article on the author's right to enjoin the publication of private letters, Parker, an eminent judge in Massachusetts and professor in the Harvard law school, said:

"The receiver of a letter is not a bailee, nor does he stand in a character analogous to that of a bailee. There is no right to possession, present or future"—

Mark you—

"No right to possession, present or future, in the writer.

Then where did the gentleman from Maine get the right to waylay Mr. Mulligan and procure these letters in the manner in which he admits himself he did, and hold on to them in defiance of the bailee's right of possession?

The only right to be enforced against the holder is a right to prevent publication, not to require the manuscript from the holder in order to a publication by himself.

The right of the receiver—

The right of the receiver—

then, is to the whole letter. He may read it himself and to others, and recite it at meetings. He may do everything but multiply copies; and perhaps he may do this, if he do not print them.

Now, sir, there is the whole case. Mr. Mulligan was legally in the possession of the letters by the permission of the recipient, with the authority to use them in any manner he saw proper. Those letters were taken from him under an implied promise, to say the least, to return them, and they are kept from him by a strong hand. The question what the sub-committee was to do under the circumstances was submitted to the Committee on the Judiciary. And now comes the strange part of the whole thing, which I believe has not yet been developed before the House.

Mr. Frye. Mr. Speaker, will the gentleman allow me—

The Speaker (pro tempore). Does the gentleman yield to the gentleman from Maine?

Mr. Knott. Here comes the strange part of the whole thing. The Committee on the Judiciary have done the gentleman from Maine no wrong. They have not even decided what shall be done with those letters. Nobody has even intimated that he shall be obliged to give them to any human being on the earth. The committee have taken no action in the matter at all, but on to-morrow morning that question was to be brought up, and yet in advance of their conclusion and in defiance of all parliamentary law that I have ever heard of, an Ex-Speaker of the House comes here on the pretext of a personal explanation and takes the matter away from the jurisdiction of a committee to which it has been committed and drags it before the House.

Now that is simply the condition in which the question stands. It is still *sub judice*, not decided at all, and with no intimation from any one that a solitary one of those letters would be taken from him or given to the public, but with a very positive assurance on my part to the gentleman, through his friends, that he would not be martyred by the Committee on the Judiciary, at least not with my consent.

Mr. Frye. Now, will the gentleman yield to me for a moment?

The Speaker (pro tempore). Does the gentleman from Kentucky yield to the gentleman from Maine?

Mr. Knott. Why is all this noise made for so little wool?

The Speaker (pro tempore). The gentleman declines to yield.

Mr. Knott. The Judiciary Committee, upon whom the gentleman has made such violent assaults, has done him no wrong. On the contrary, that committee has extended to him every conceivable courtesy from the very beginning, as has been explained here by my honorable colleague from Virginia.

No disposition has been manifested by any member of that committee to do anything that would militate against the gentleman's interest in the slightest possible degree. Every request he ever made to the committee has been complied with. Every postponement asked for has been granted. When he has asked that the inquiry should be prosecuted without delay, it has been done, or at least attempted. When he has asked that the investigation be delayed, it has been delayed. When he has asked on technical grounds that evidence be excluded, it has invariably been excluded. Everything has been done to protect the gentleman; for God knows we want him nominated. [Laughter.] He need not be afraid of meeting any opposition to his nomination on this side of the House.

Now, Sir, there might be, I do not know that it ever will be, but there might be a grave question presented to the consideration of the House growing out of this matter, and that question is this: Whether after the House has committed a matter to a committee for investigation its authority can be trifled with by having the witnesses who may be summoned before that committee met by the way-side by parties implicated, pumped, their documentary evidence taken from them, retained by force, and a contemptuous refusal given to the committee

when it calls for the production of papers thus obtained. Such a question, I say, might be raised, but I do not know that it ever will.

Sir, the gentleman has read a letter from a Mr. Robinson, and although I was not present when he was examined, I believe when that witness was asked if he had had an interview with *Mr. Blaine* he denied it, until after a great deal of questioning, and coaxing, and persuading he finally admitted that he had had such an interview.

Mr. Hunton. Let me state in regard to that matter that *Mr. Ashe* asked the witness the question whether he had talked of this matter with any gentleman since his arrival in Washington. He said he had talked to one or more. *Mr. Ashe* asked him to name them, and he named one. *Mr. Ashe* asked him whether with any one else, and he answered yes, with Mr. A. B. *Mr. Ashe* asked him if that was all, and he answered yes, to Mr. C. D. He was then asked, "Is that all?" and he answered, "Yes, that is all." At that point I asked him, "Have you not talked this matter over with *Mr. Blaine* since you arrived in Washington city?" and he said he had.

Mr. Blaine. Who is that?

Mr. Hunton. The witness Robinson.

Mr. Blaine. Yes, he came to tell me how you had been coaching him. [Great laughter.]

Mr. Knott. I was remarking that every request preferred by *Mr. Blaine* or his friends on the sub-committee has been granted. Whenever a legal question has been raised at his request or that of his friends and submitted to the whole committee, it has in every instance been decided, so far as I know and believe, with the utmost impartiality. When, for instance, a question was raised as to whether a certain witness should tell what Josiah Caldwell had told him about the seventy-five-thousand-dollar-bond transaction, it was objected on the part of *Mr. Blaine* that Mr. Caldwell was out of the jurisdiction of the United States, and the witness was not allowed to say a word about Mr. Caldwell. A proposition was then made that Mr. Caldwell should be telegraphed to know if he would come here and give his testimony. That was objected to by *Mr. Blaine* and his friends. Why? Because, forsooth, Mr. Caldwell would not come if we were to telegraph for him. The question was submitted to the full committee, and it was determined not to telegraph to him. But other witnesses continually referring to matters of which they had heard, showed the absolute necessity of having Mr. Caldwell's testimony if it could be obtained. After considerable delay the committee concluded that they would telegraph to him, and the chairman was instructed to do so. I asked my friend from Virginia (*Mr. Hunton*) to ascertain Mr. Caldwell's address, and he endeavored to do so, and left this memorandum with one of the officers of the House:

Find some man from Arkansas, and learn where in Europe is Josiah Caldwell.

After all the investigations that the officer of the House could make, we could not find out where Mr. Caldwell was. I myself inquired of several gentlemen, and requested one of them to write to Boston to ascertain where Caldwell was. It is true — and now I am going to make the gentleman from Maine happy, I have no doubt — that on last Thursday morning, about eight o'clock — I do not know

but it might have been a little after eight o'clock, or a little before eight o'clock, or at eight o'clock — I did receive such a telegram; but the gentleman from Maine seems to know precisely when it was —

Mr. Blaine. I do.

Mr. Knott. He seems to know precisely from what point it came. He seems to know precisely the contents of the telegram. He seems to be thoroughly posted upon that subject. Now, right here, permit me to say with regard to the insinuation that that telegram was suppressed elsewhere, any man, high or low, whomsoever he may be, may make it and take the consequences here. I will hurl the falsehood into his teeth. I received it; but, so far from suppressing it, within less than thirty minutes after I received it I read it to several gentlemen. But there was no particular place designated in the dispatch as Caldwell's address, save London; no street, no house, no other locality whatever; and it did occur to me, and I am not altogether certain that I do not now believe, it was a fixed-up job; so I thought I would wait a while and see what would come of it.

Mr. Frye. Allow me to ask you a question there?

Mr. Knott. Wait until I get through with this. That dispatch came last Thursday. On Friday we had a general meeting of the committee. I had not the dispatch with me. I am not sure that I would have read it to the committee at that time if I had had it with me, as we were engaged with other matters. I am free to say that I had a suspicion that it was a fixed-up job. I have that suspicion now. The reason why I have it is that other people seem to know so much about it. I am assured that none of the gentlemen to whom I showed it have ever said anything to any mortal man in relation to it.

And I will say further that no longer ago than Saturday last I again asked the friend whom I had asked to write to Boston if he had ascertained for me the address of this Mr. Caldwell, and was told by him that he had not. I intended to telegraph to him; I wanted an answer to a telegram of my own, so that I might know it was genuine. If I failed in that, I intended to hand the telegram I had received to the committee for them to make whatever use they could of it. Nobody is hurt by that. Even if it were published to the four winds of heaven, it is not evidence for any purpose on the Lord's earth, and no lawyer will insinuate that it is.

Now, sir, I will ask if I was under any obligation, legal or moral, to publish a telegram voluntarily sent to myself, without any solicitation upon my part, and in answer to no suggestion that I had made? It struck me as something strange that this man should know so well to whom to telegraph, and what to telegraph, before he had ever had any communication at all with me on the subject; and it still strikes me as strange.

Mr. Hale. Will the gentleman from Kentucky allow me to ask him a question?

Mr. Knott. Yes; with a great deal of pleasure.

Mr. Hale. The dispatch was received, was it not, upon Thursday morning last?

Mr. Knott. I have said so two or three times over, distinctly.

Mr. Hale. I want to fix the point; that was the date?

Mr. Knott. And the word "London" was at the top of it.

Mr. Hale. Did not that indicate to the gentleman last Thursday morning where Josiah Caldwell was, in order that he might telegraph to him and make certain whether it was a real dispatch? And did the gentleman from Kentucky at once take that method of obtaining information as to the genuineness of the dispatch?

Mr. Knott. Now I will answer the gentleman. I had information that this Mr. Caldwell was somewhere in Italy. I had had that information from more than one that he was on the continent, and not in London; and there being no point in London designated in the dispatch, no street or house in a city where there are millions of people, it struck me that I might as well have gone to hunt for a particular drop of water in the middle of the ocean.

Mr. Hale. Does not the gentleman know that the telegraph operator in London would have learned that address at once, because that is an every-day method of securing the address of a person who has not given his address definitely?

Mr. Knott. The gentleman knows more about it than I do.

Mr. Hale. Does not the gentleman know that?

Mr. Knott. The gentleman seems to know a great deal about it.

Mr. Hale. I know enough to know that.

Mr. Knott. Very well. Now, I say to this House, and to the gentleman from Maine, that any insinuation of my suppressing any paper, keeping it back illegitimately, for any purpose whatever, is not only gratuitous, but false.

Mr. Hale. Will the gentleman read the dispatch, in order that we may see what there is in it?

Mr. Knott. When I get ready, I will.

Mr. Hale. Does the gentleman from Kentucky propose to read it upon the floor —

The Speaker (*pro tempore*). Does the gentleman from Kentucky yield?

Mr. Knott. I do not yield. I have asked the gentleman from Maine (*Mr. Blaine*), who seems to be so thoroughly posted, how he got his information about that dispatch, and he has declined to tell. Now let the matter rest right there, just where it is.

Mr. McCrary. I would like to ask the chairman of the Committee on the Judiciary (*Mr. Knott*) whether he communicated the fact of the receipt by him of that dispatch to any of the republican members of the Judiciary Committee?

Mr. Knott. I have not; and there are several of my democratic colleagues to whom I have not communicated that fact, and there are many of my most intimate personal friends to whom I have not communicated it. To tell the truth about it, after the day that I received it, I gave but little, if any, thought at all to it, until the subject was brought up here.

Mr. McCrary. I wish it understood for myself and republican colleagues on that committee, that we had no knowledge of the receipt of that dispatch.

Mr. McMahon. Will my colleague allow me to ask him a question?

Mr. Knott. Yes; with pleasure.

Mr. McMahon. I would ask the gentleman whether the Committee on the Judiciary authorized him to telegraph to Mr. Caldwell, and have Mr. Caldwell telegraph a statement in reply; or was it simply that he should telegraph where he could be found, in order that his personal presence could be secured, and he be subjected to oath and cross-examination?

Mr. Knott. I was going to speak of that. The order of the Committee on the Judiciary, as I understood it, was to telegraph to Mr. Caldwell to know if he would come here and give his testimony, under oath, as a witness, and not that he should volunteer any information at all upon the subject.

Mr. Frye. I desire to ask the gentleman a question right here. Will the gentleman be kind enough to state to the House what Mr. Caldwell said in that dispatch?

Mr. Knott. Has not your friend already stated it? Do you not believe your colleague from Maine?

Mr. Frye. No, sir. [Laughter.]

Mr. Knott. You do not? Well, I do. [Great laughter.]

Mr. Frye. In other words, if the gentleman from Kentucky refuses to produce that dispatch to the House, I say it seems to be entirely supposable that *Mr. Blaine* has not got the whole of that dispatch, and I desire to ask if there is not something else in the dispatch to keep it back?

Mr. Knott. No, sir. Does that satisfy you?

Mr. Blaine and others. Read it, then.

Mr. Knott. Will gentlemen "possess their souls in patience"? Let us hear from the gentleman from Maine where he got his information; let us know who has violated the law and how he came to be the recipient of the secrets of this violater of law.

Mr. Blaine. If the gentleman is through I desire to call the previous question on my resolution. I merely want to test by that whether this House is going to unite —

Mr. Knott. I have not yielded the floor. I want to state to the House that this telegraphic dispatch, that was sent to me without any solicitation upon my part, I have it still in my possession, but it is at my room. Its contents are substantially as stated by the gentleman from Maine. Whoever informed him, or however he got his information, I do not know that I can repeat the dispatch in its exact terms. It was to the effect —

Mr. Blaine. I thought you refused to repeat it.

Mr. Knott. Well, who asked you to put in just at this particular time? [Laughter.] You will have an opportunity to tell where you got your information. I was going on to state my recollection of the contents of the dispatch. If I had it here I should not object to reading it. Whether it came from Mr. Caldwell or not I do not know. The purport of it was that he had seen Mr. Thomas A. Scott's testimony in the New York papers; that it was substantially correct; that he had not let *Mr. Blaine* have any bonds, and he would send an affidavit to

that effect, but that he was engaged in railroad enterprises there and could not come here to give his testimony without serious pecuniary loss. That is substantially what is in the dispatch.

Now, I desire to say that if the gentleman had only waited, that dispatch would have been presented to the committee to be made use of in whatever way the committee may have seen proper. I repeat, that from the beginning I have had no desire to injure the gentleman from Maine personally, and especially politically; none whatever. But I have desired, as I still desire, that the truth may be told. As for myself I had no knowledge of any transaction by the gentleman from Maine inconsistent with the highest personal integrity. I had no desire that he should be injured if innocent. I had, however, and still have, a desire that whoever may be guilty of wrong, we shall "turn on the gas" and let the people see it.

Mr. Blaine. I now demand the previous question on the resolution, because the gentleman declines to furnish the dispatch to the House, and I want to see whether this House will justify him in that position. It is now admitted by the gentleman that well into the fifth day he has deliberately suppressed that dispatch, and I understand that it has been suppressed —

[Cries of "Order."]

The Speaker (*pro tempore*). The gentleman is not in order.

Mr. Blaine. Why not?

The Speaker (*pro tempore*). The Chair understood the gentleman to demand the previous question.

Mr. Blaine. I rose to do so, but I have an hour before I do so.

Mr. Springer. Not at all.

Mr. Blaine. Why not?

Mr. Springer. The gentleman has spoken one hour already.

Mr. Blaine. I have not spoken one hour in closing the debate. I merely want to state this point. I wish to see whether this House will approve of the fact that two members at least of the Judiciary Committee, the gentleman from Kentucky, (*Mr. Knott,*) and the gentleman from Virginia, (*Mr. Hunton,*) have known for five days of that dispatch —

Many Members. Regular order!

The Speaker (*pro tempore*). The gentleman from Maine will suspend. The Chair understood the gentleman to claim the right to occupy another hour before the question is taken on his demand for the previous question.

Mr. Blaine. I would not have any hour afterward. But I do not care anything about that. I demand the previous question on the resolution.

Mr. Banning. I move that the resolution be laid on the table.

Mr. Blaine. Very well; on that I call for the yeas and nays.

Mr. Holman. I trust that will not be done.

Mr. Banning I withdraw the motion.

Mr. Blaine. Stick to your motion.

The question being taken on seconding the demand for the previous question, there were — ayes, 101, noes 107.

So the previous question was not seconded.

Mr. Blaine. I move to suspend the rules, and pass to the resolution.

The Speaker (*pro tempore*). The gentleman from Maine is not recognized. By the vote just taken, and as is customary, the gentleman loses control of the resolution. The Chair recognizes the gentleman from Ohio (*Mr. Banning*).

Mr. Banning. I move to refer the resolution to the Committee on the Judiciary.

Mr. Blaine. And pending that motion, I move to suspend the rules, and adopt the resolution.

The Speaker (*pro tempore*). The gentleman from Ohio (*Mr. Banning*) has been recognized.

Mr. Blaine. But my motion comes in as of superior right.

The Speaker (*pro tempore*). The gentleman lost the floor when the demand for the previous question was not sustained.

Mr. Blaine. But pending the motion to refer, the motion to suspend the rules is in order.

Mr. Banning. I move to refer the resolution to the Committee on the Judiciary.

Mr. Blaine. Pending which, I move to suspend the rules and pass the resolution.

The Speaker (*pro tempore*). The question is on the motion of the gentleman from Ohio to refer the resolution to the Committee on the Judiciary.

Mr. McCrary. Pending that, I move to suspend the rules and pass the resolution. I have a right to make the motion.

Mr. Blaine. By all the precedents.

Mr. Banning. I call for the regular order of business.

The Speaker (*pro tempore*). The Chair understands the gentleman moves it as a substitute for the motion to refer. That may be in order.

Mr. McCrary. I demand the yeas and nays.

Mr. Springer. I rise to a question of order. On Friday last, by unanimous consent, an order was made by the House that to-day, after the morning hour, — at two o'clock, — the House should proceed to the consideration of the bill making appropriation for the payment of the Geneva award, to the exclusion of all other business, and especially to the exclusion of any motion to suspend the rules. That order was made on Friday last, at the suggestion of the gentleman from Maine himself. Because otherwise, the making of the Geneva award bill a special order for to-day would be of no avail, as it could be interrupted by motions to suspend the rules, which, under the rules, are privileged on Monday, after the morning hour.

Mr. McCrary. That was to take effect at two o'clock to-day, and has been waived.

The Speaker (*pro tempore*). When unanimous consent was asked on Friday last by the gentleman from New York (*Mr. Lord*) to make the Geneva award bill a special order for to-day, after the morning hour, and after much colloquy, the gentleman from Maine called the

attention of the Chair, and of the House, particularly, to the fact that the order to set to-day at two o'clock for that business, would not be worth making unless it was accompanied with the provision that it was to the exclusion of all motions to suspend the rules. The order was made in that way, and runs, by unanimous consent, until that bill is disposed of. The Chair is now bound to sustain that unanimous arrangement, and with it the point of order raised by the gentleman from Illinois. Therefore the motion to suspend the rules is not in order.

Mr. McCrary. Who has called up the Geneva award bill? It is not in the hands of the gentleman from Illinois. I do not think my colleague of the Judiciary Committee from New York (*Mr. Lord*) will take the responsibility of doing so.

The Speaker (*pro tempore*). The Chair will take the responsibility of deciding that the point of order having been raised, and attention called to the conditions of the special order, he is bound to recognize the fact that a motion to suspend the rules is not in order at this time, and that, too, by virtue of the order made on Friday last.

Mr. Kelley. I respectfully call the Speaker's attention to the purpose for which that order was made. It was that *Mr. Scott Lord*, of New York, who is to be absent from the House hereafter, should call up that bill to-day and make his speech; and it was suggested after that speech should be concluded we could go on with the general business of the House. I do not understand that *Mr. Lord* avails himself of the special object of the order to call up that bill.

The Speaker (*pro tempore*). The Chair may assume that to be the fact; but it does not affect the point of order raised by the gentleman from Illinois. The Chair has already decided it. Several gentlemen to-day have called the Chair's attention to the matter with a view to have the rules suspended, and the Chair has stated that he would refuse to entertain any motions to suspend the rules. The point of order being now raised, the Chair must decide that no motion to suspend the rules after two o'clock to-day is in order, that being the unanimous agreement of the House on Friday last.

Mr. Kelley. Would it not be in order to suspend the rules after *Mr. Lord* had spoken?

The Speaker (*pro tempore*). The gentleman from Pennsylvania is not in order.

Mr. Wilson (of Iowa). I rise to a point of order.

The Speaker (*pro tempore*). The gentleman will state his point of order.

Mr. Wilson (of Iowa). My point of order is this: It has been understood by the whole House that when this question of personal privilege came up, all the previous orders of the House had to give way to it. Had it come up on any other day than Monday, the motion to suspend the rules would not have been in order on any question bearing upon it.

The Speaker (*pro tempore*). The Chair did not understand, when this privilege came, that any express or implied understanding was involved as to the previous orders.

Mr. Wilson (of Iowa). Allow me to make my point before you decide it. But it is the right of a member rising to a personal question here to have that determined independently of any point of order, and to call into requisition all the rules of the House to enable him to do it; and to-day, this being Monday, the motion to suspend the rules on the resolution connected with that question of privilege I claim to be in order. The honorable Chair will take care in ruling on this question of personal privilege whether he is going to rule out the right of a member to have a hearing upon this floor.

The Speaker (*pro tempore*). The Chair has denied no right to be heard to the gentleman from Maine. He adheres to his decision, that after two o'clock to-day no motion to suspend the rules can be made.

Mr. McCrary. I rise to appeal to the Chair whether a motion to refer the resolution is in order?

The Speaker (*pro tempore*). Undoubtedly it is in order.

Mr. McCrary. How so, if the special order precludes everything? If it cuts off a motion to suspend the rules, does it not also cut off the motion to refer?

The Speaker (*pro tempore*). The gentleman from Maine rose to a personal explanation —

Mr. Blaine. I did not.

The Speaker (*pro tempore*). The Chair will first finish his remarks.

Mr. Jones (of Kentucky). It was the statement of the Chair at the time that the gentleman rose to a personal explanation.

Mr. Blaine. But it was not the statement of the gentleman from Maine.

The Speaker (*pro tempore*). The gentleman rose to a privileged question, and the Chair stated it to the House as one of "personal privilege."

Mr. Blaine. To a question of privilege, which is as different as anything can be.

The Speaker (*pro tempore*). The gentleman rose to a question of personal privilege.

Mr. Blaine. Of high privilege, which is different from personal explanation.

Mr. Bland. It is now five o'clock, and, as we cannot do anything to-day in the way of business, I move the House do now adjourn.

Several Members. O, no; withdraw it.

Mr. Bland. Very well, I withdraw the motion. [Laughter.]

Mr. McCrary. I rise to a point of order. The Chair has decided, when a motion was made to suspend the rules and pass the resolution, that motion was excluded by the fact that the special order for this day excluded all other business. My point of order is, that, if the special order is of such high privilege as to exclude the motion to suspend the rules, it is also of such high privilege as to exclude the motion to refer this resolution. I now call for the special order.

Mr. Holman. This resolution is before the House regularly.

The Speaker (*pro tempore*). The Chair will state that this resolution has come up, as he supposes, properly before the House after the question raised by the gentleman from Maine of privilege or personal

explanation, which ever it was; and the resolution at the end of his remarks was before the House without objection; but not to be disposed of irregularly. Now the disposition of the resolution is properly before the House upon the motion of the gentleman from Ohio (*Mr. Banning*) to refer it. The question is on the motion of the gentleman from Ohio. In putting that motion no order of the House is violated, and no one prejudiced.

Mr. Page. I call for the yeas and nays.

The yeas and nays were ordered. The question was taken; and there were, — yeas, 125; nays, 97; not voting, 66. So the motion was agreed to.

Mr. Banning moved to reconsider the vote by which the resolution was referred to the Committee on the Judiciary; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

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